

Published by the Banks Association of Turkey

**REGULATION  
ON PROCEDURES AND PRINCIPLES AS TO  
PROVISION AND DELIVERY OF INFORMATION  
HELD BY THE RISK CENTER ABOUT CUSTOMERS OF  
MEMBERS OF THE RISK CENTER OF THE BANKS ASSOCIATION OF TURKEY  
EITHER TO THEMSELVES OR WITH THEIR PRIOR CONSENT,  
TO NATURAL PERSONS OR LEGAL ENTITIES DESIGNATED BY THEM**

*(Published in the edition 28260 of the Official Gazette on April 10<sup>th</sup>, 2012)*

**FIRST PART  
Purpose, Scope, Grounds and Definitions**

**Purpose and Scope:**

**ARTICLE 1 – (1) (Revised by the Regulation no. 2013-28730 dated 06/08/2013)<sup>(1)</sup>** The purpose of this Regulation is to set down the principles and procedures relating to application and approval process for provision and delivery of information, held by the Risk Center of the Banks Association of Turkey, about customers of members of the Risk Center of the Banks Association of Turkey, to themselves or with their prior consent, to natural persons or legal entities designated by them.

**Grounds:**

**ARTICLE 2 – (1)** This Regulation is prepared and issued in reliance upon the provisions of Supplementary Article 1 of the Banking Law no. 5411 dated 19/10/2005.

**Definitions:**

**ARTICLE 3 – (1)** For the purposes and in the context of this Regulation:

- (a) “Financial Institution” refers to the institutions, other than the crediting institutions, which are founded for insurance, personal retirement or capital market activities or at least one of the fields of activity specified in the Law, as well as development and investment banks and financial holding companies; and
- (b) “Safe Electronic Signature” refers to a signature as described in the Electronic Signature Law no. 5070 dated 15/1/2004; and
- (c) “Law” refers to the Banking Law no. 5411 dated 19/10/2005; and
- (d) “Source Institution” refers to private law legal entities and public administrations and entities and professional organizations considered as public entities and their upper organizations, other than members, from which the Risk Center demands information in line with its foundation purposes; and

- (e) “Crediting Institution” refers to deposit banks and participation banks; and
- (f) “Customer” refers to all natural persons and legal entities about which information is gathered in accordance with the foundation purposes of the Risk Center; and
- (g) **(Revised by the Regulation no. 2013-28730 dated 06/08/2013)<sup>(1)</sup>** “The Risk Center” refers to the Risk Center of the Banks Association of Turkey, not having a separate legal personality, established as a part of the Banks Association of Turkey, in order to gather risk information about customers of crediting institutions and other financial institutions to be deemed fit by the Board, and to share such information with the said institutions and with natural persons or legal entities themselves or subject to prior consent thereof, with natural persons or legal entities, as stipulated in Supplementary Article 1 of the Law; and
- (h) “The Risk Center Report” refers to a report to be issued with a content determined by the Risk Center Management by using the information held with the Risk Center; and
- (i) “The Risk Center Management” refers to the management of the Risk Center of the Banks Association of Turkey established to manage and direct the duties and activities of the Risk Center; and
- (j) “Calendar Year” refers to the period starting on 1<sup>st</sup> of January and ending on 31<sup>st</sup> of December every year; and
- (k) “Member” refers to the crediting institutions and each financial institution found eligible by the Board for membership of the Risk Center of the Banks Association of Turkey.

**SECOND PART**  
**Application Procedures and Principles**  
**For Risk Center Report**

**Personal Application by Natural Person Customers:**

**ARTICLE 4 – (1)** A natural person customer may personally apply for a Risk Center report to the Risk Center or to one of the members designated by the Risk Center Management. At which addresses and in which days and at which time a personal application may be filed to the Risk Center or to members designated by the Risk Center Management shall also be determined by the Risk Center Management and announced via internet website of the Risk Center. Applications filed to addresses other than the designated addresses will not be taken into consideration.

**(2)** Upon application of a natural person customer, that person’s name, surname, birth place and date, nationality, type and number of identity document, address and if any, telephone number, electronic mail address, and as for Turkish nationals, in addition thereto, mother’s name, father’s name and T.R. identity number are taken.

(3) Identity data and information given by the customer are validated and verified through any one of T.R. identity card, T.R. driver's license or passport for Turkish nationals, and through passport for non-Turkish nationals, and originals of these documents will be checked.

(4) An application of a natural person customer is accepted and deemed valid only if and when an application form as shown in the internet website of the Risk Center is filled in and signed by the applicant before the Risk Center or the designated member representatives, and an account statement verifying payment of fee of the Risk Center Report is paid is attached to the application form.

(5) Which one of the delivery methods specified in this Regulation is chosen and preferred for delivery of the Risk Center Report is also required to be stated on application form.

#### **Application by Mail by Natural Person Customer:**

**ARTICLE 5 – (1)** A natural person customer may apply for a Risk Center report by mail only to the Risk Center.

(2) An application of a natural person customer sent by mail is accepted and deemed valid only if and when a notary-certified copy of at least one of the identity documents specified in third paragraph of article 4 hereof, and an application form filled in as shown in the internet website of the Risk Center, with signature thereon certified via a notary public, and in addition, an account statement verifying payment of fee of the Risk Center Report is paid are all sent to the Risk Center.

(3) An application of a Turkish national natural person customer resident abroad sent by mail is accepted and deemed valid only if and when a copy, certified via T.R. consulates, of at least one of the identity documents specified in third paragraph of article 4 hereof, and an application form filled in as shown in the internet website of the Risk Center, with signature thereon certified via T.R. consulates, and in addition, an account statement verifying payment of fee of the Risk Center Report is paid are all sent to the Risk Center.

(4) Which one of the delivery methods specified in this Regulation is chosen and preferred for delivery of the Risk Center Report is also required to be stated on application form.

#### **Application by Electronic Mail by Natural Person Customer:**

**ARTICLE 6 – (1)** A natural person customer may apply for a Risk Center report by signing an application form as shown in the internet website of the Risk Center with his safe electronic signature, and by sending the same as an attachment to electronic mail to electronic mail address of the Risk Center.

(2) An application of a natural person customer sent by electronic mail containing an application form signed with safe electronic signature is accepted and deemed valid only if and when an account statement verifying payment of fee of the Risk Center Report is paid is sent to the Risk Center as an attachment to the same electronic mail message.

(3) Which one of the delivery methods specified in this Regulation is chosen and preferred for delivery of the Risk Center Report is also required to be stated on application form.

#### **Personal Application by Legal Entity Customers:**

**ARTICLE 7 – (1)** Duly authorized officers of a legal entity customer may personally apply for a Risk Center report to the Risk Center or to one of the members designated by the Risk Center Management, together with a notary-certified signature circular of the legal entity. At which addresses and in which days and at which time a personal application may be filed to the Risk Center or to members designated by the Risk Center Management shall also be determined by the Risk Center Management and announced via internet website of the Risk Center. Applications filed to addresses other than the designated addresses will not be taken into consideration.

(2) Upon application of duly authorized officers of a legal entity customer, that person's name, surname, birth place and date, nationality, type and number of identity document, address and if any, telephone number, and as for Turkish nationals, in addition thereto, mother's name, father's name and T.R. identity number are taken.

(3) Identity data and information given by duly authorized officers of a legal entity customer are validated and verified through any one of T.R. identity card, T.R. driver's license or passport for Turkish nationals, and through passport for non-Turkish nationals, and originals of these documents will be checked.

(4) An application of duly authorized officers of a legal entity customer is accepted and deemed valid only if and when an application form as shown in the internet website of the Risk Center is filled in and signed by duly authorized officers of the applicant before the Risk Center or the designated member representatives, and an account statement verifying payment of fee of the Risk Center Report is paid is attached to the application form.

(5) Which one of the delivery methods specified in this Regulation is chosen and preferred for delivery of the Risk Center Report is also required to be stated on application form.

#### **Application by Mail by Legal Entity Customer:**

**ARTICLE 8 – (1)** Duly authorized officers of a legal entity customer may apply for a Risk Center report by mail only to the Risk Center, together with a notary-certified signature circular of the legal entity.

(2) An application of a legal entity customer sent by mail is accepted and deemed valid only if and when a notary-certified copy of at least one of the identity documents specified in third paragraph of article 7 hereof, and an application form filled in as shown in the internet website of the Risk Center, with signatures of duly authorized officers thereon certified via a notary public, and in addition, an account statement verifying payment of fee of the Risk Center Report is paid are all sent to the Risk Center.

(3) Which one of the delivery methods specified in this Regulation is chosen and preferred for delivery of the Risk Center Report is also required to be stated on application form.

**Application by Electronic Mail by Legal Entity Customer:**

**ARTICLE 9 – (1)** Procedures and principles as to application for a Risk Center report by legal entity customers by electronic mail, and as to report delivery methods, will be decided and determined by the Risk Center Management.

**Other Application and Collection Methods:**

**ARTICLE 10 – (1)** In addition to the application methods stipulated in this Regulation, the Risk Center Management is authorized to determine procedures and principles as to receipt of applications also via internet, automatic teller machine, call center and similar other alternative distribution channels, and as to collection of fees therefor.

**Provision of Customer Information Held by the Risk Center to Natural Persons or Private Law Legal Entities Subject to Prior Consent of Customer:**

**ARTICLE 11 – (1) (Revised by the Regulation no. 2013-28730 dated 06/08/2013)<sup>(1)</sup>** In the event that a natural person or legal entity customer requests provision and delivery of the Risk Center report to a natural person or private law legal entity, the customer is required to file an application for delivery of the Risk Center report to third parties in the format shown in the internet website of the Risk Center, and to issue a certificate of consent in relation therewith.

(2) **(Revised by the Regulation no. 2013-28730 dated 06/08/2013)<sup>(1)</sup>** An application of a natural person or legal entity customer for provision and delivery of the Risk Center report to a natural person or private law legal entity shall be subject to and governed by the provisions of articles of this Regulation pertaining to applications.

**Giving Consent For Agreements on Exchange of Information:**

**ARTICLE 12 – (1)** A customer's Risk Center report may be provided and delivered to private law legal entities and public administrations and entities and professional organizations considered as public entities and their upper organizations as a requirement of information exchange agreements signed with them, only with a prior consent of that customer.

(2) Actions for receipt of a certificate of consent in the format shown in the internet website of the Risk Center with regard to delivery of the Risk Center report to private law legal entities and public administrations and entities and professional organizations considered as public entities and their upper organizations shall be governed by and subject to the provisions of this Regulation pertaining to identification and approval/consents.

**Feedback by Risk Center to Customer as to Receipt of Customer's Consent:**

**ARTICLE 13 – (1)** Where the customer's consent is taken as per articles 11 and 12 hereof, and if requested so by the customer, the Risk Center informs the customer about receipt of its

consent and contents of consent. Procedures and principles of this feedback will be decided and determined by the Risk Center Management depending on the method of application used.

**Application With Power of Attorney:**

**ARTICLE 14 – (1)** Where a natural person or legal entity customer files its application for a Risk Center report through a proxy:

- (a) the power of attorney should be certified via a notary public; and
  - (b) the power of attorney should not have been issued at a date older than one year as of the date of application, and the power of attorney should contain a statement that it is valid unless and until a notice of dismissal is delivered to the Risk Center; and
  - (c) in the power of attorney, the proxy should have been authorized to request information from the Risk Center and to receive such information in the name of the issuing customer; and
  - (d) where the Risk Center report is requested to be delivered to a legal entity, the power of attorney should clearly state that the proxy is also authorized to give consent for delivery of such information to the named legal entity.
- (2) In an application with power of attorney, for identification of proxy, the original copy or a notary-certified copy, depending on the chosen application method, of at least one of the identity documents mentioned in third paragraph of article 4 of this Regulation, is required to be submitted.

**THIRD PART**  
**Completion of Application**  
**For Risk Center Report**

**Evaluation of Application:**

**ARTICLE 15 – (1)** In the event that an application is not made in compliance with all of the procedures and principles specified in Second Part of this Regulation, the non-acceptance of application is to be notified to the applicant within no later than thirty days by the method of communication chosen in the application form.

- (2) The requests of applicant for changes in either scope or delivery methods specified in its application not completed yet shall not be accepted, and the request of Risk Center report is completed in the manner and under the conditions specified in the original application.
- (3) Applicant shall have the right to cancel an application not completed yet.

**Preparation and Delivery of Risk Center Report:**

**ARTICLE 16 – (1)** If and when an application is accepted and deemed valid, a Risk Center report will be issued by the Risk Center.

(2) **(Revised by the Regulation no. 2013-28730 dated 06/08/2013)**<sup>(1)</sup> Report is delivered to the applicant or to a natural person or a legal entity designated by the applicant only by one of the methods of delivery by hand, delivery by mail, in electronic medium or via electronic mail. Applicant is under obligation to choose one of these methods in its application. Applicant cannot request delivery of Risk Center report by any method other than the methods listed above.

#### **Delivery By Hand:**

**ARTICLE 17 – (1) (Revised by the Regulation no. 2013-28730 dated 06/08/2013)**<sup>(1)</sup> If and when the applicant has requested delivery of Risk Center report in writing to itself or to a natural person or a legal entity designated by itself, then and in this case, except for force majeure events, the Risk Center report will be prepared and delivered within maximum thirty days following the date of receipt of the application by the Risk Center.

(2) **(Revised by the Regulation no. 2013-28730 dated 06/08/2013)**<sup>(1)</sup> At the time of delivery, if the applicant is a natural person, that natural person is identified, or if the applicant is a legal entity, its duly authorized officers are identified, or if the report is to be delivered to a natural person or a legal entity in reliance upon a consent, duly authorized officers of that legal entity are identified. Identity data and information given by the customer are validated and verified through any one of T.R. identity card, T.R. driver's license or passport for Turkish nationals, and through passport for non-Turkish nationals, and originals of these documents will be checked.

#### **Delivery By Mail:**

**ARTICLE 18 – (1) (Revised by the Regulation no. 2013-28730 dated 06/08/2013)**<sup>(1)</sup> If and when the applicant has requested delivery of Risk Center report in writing by mail to open address of itself or a natural person or a legal entity designated by itself as shown in the application form, then and in this case, except for force majeure events, the Risk Center report will be prepared and mailed by the Risk Center within maximum thirty days following the date of receipt of the application by the Risk Center.

#### **Delivery Via Electronic Medium:**

**ARTICLE 19 – (1) (Revised by the Regulation no. 2012-28502 dated 19/12/2012)**<sup>(1)</sup> If the applicant wishes to receive the Risk Center report in electronic media, upon his application to the Risk Center or the member, he will be given an user ID and a password within the frame of the procedures and principles determined by the Risk Center Management, and the applicant may receive the Risk Center report in the form of a digital text through a transaction to be executed by using his user ID and password in the internet site of the Risk Center.

#### **Delivery at Electronic Mail Address:**

**ARTICLE 20 – (1)** If and when the applicant has requested delivery of Risk Center report to its electronic mail address, then and in this case, except for force majeure events, the Risk Center report will be prepared and delivered to its electronic mail address notified to the Risk Center or the member within maximum thirty days following the date of receipt of the application by the Risk Center.

## **FORTH PART**

### **Provisions on Report Fees**

#### **Risk Center Report Fee:**

**ARTICLE 21 – (1)** Where natural persons or legal entities request disclosure of risk information to themselves or with their prior consent, to third parties designated by themselves, the fees applicable thereon will be determined by the Risk Center Management by considering the application, delivery method and contents and within the frame of a cost analysis for the subsequent year on the basis of actual figures of the previous year, and will be made public through internet website of the Risk Center.

(2) In applications filed through a designated member, the relevant member reserves its right to claim payment of a fee in consideration of its services.

(3) Without prejudice to the provisions of second paragraph of this article, a Risk Center report fee is not charged for the first application of a natural person filed during a calendar year.

#### **Where Fees Are Non-refundable:**

**ARTICLE 22 – (1)** If, as a result of review, it is determined that an application does not meet and satisfy the conditions of application specified in this Regulation, the collected Risk Center report fee will not be refunded. For a new application, the customer is charged with the relevant Risk Center report fee.

(2) Non-existence of any customer information in the possession of the Risk Center does not justify the refund of the collected Risk Center report fee.

(3) If an applicant gives up its request of a Risk Center report, the proceedings initiated upon such request are stopped, but the already collected Risk Center report fee is not refunded.

(4) A request of applicant for changes in its application ongoing and not completed yet will not be accepted, and the Risk Center report will be delivered to it within the frame of its original application. Refusal of such amendment request of the applicant does not justify the refund of fees.

## **FIFTH PART**

### **Miscellaneous and Final Provisions**

#### **Recording and Storage by Member of the Information and Documents Request in the Application:**

**ARTICLE 23 – (1)** The member is under obligation to keep and store for a period of ten years and to deliver to the Risk Center within maximum thirty days upon demand of the Risk Center the application form received from the applicant, and identity document photocopy, copy of power of attorney, text of consent, signature circular, certificate of authorization and other documents submitted at the time of application to the member with regard to requests covered by this Regulation.



**Liability of Risk Center:**

**ARTICLE 24 – (1)** The Risk Center is not obliged to check or inquire the accuracy of information given to it by its members or by source institutions, and will in no case be a party to any disputes which may arise out of such information. Provided, however, that the Risk Center will be liable towards its members, source institutions or third parties due to the damages and losses caused by its own fault.

**Applicable Regulations:**

**ARTICLE 25 – (1)** Only the provisions of this Regulation shall be applicable about the procedures and principles of application for information to be requested by customer from the Risk Center in accordance with Supplementary Article 1 of the Law.

**Effective Date:**

**ARTICLE 26 – (1)** This Regulation will become effective as of the date of its promulgation.

**Enforcement:**

**ARTICLE 27 – (1)** The provisions of this Regulation will be enforced by the Banks Association of Turkey.