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Bill 167

An Act to amend the Consumer Reporting Act

Mr. A. Potts

Private Member's Bill

1st Reading October 17, 2017

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Consumer Reporting Act*. The amendments include the following:

1. Consumer reporting agencies are required to respond to a consumer inquiry no later than two business days after receiving the inquiry.
2. Upon the request of a consumer, consumer reporting agencies are required to provide a copy of the person's consumer report free of charge.
3. A consumer may request that a consumer reporting agency place a notice of security freeze on the consumer's file. The consumer reporting agency is required to place the notice on the file no later than two business days after receiving the request and is prohibited from disclosing information in the consumer's file until the notice is removed.

An Act to amend the Consumer Reporting Act

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 The *Consumer Reporting Act* is amended by adding the following section:

Time limit for replying to consumer inquiry

11.1 Every consumer reporting agency shall reply to an inquiry of a consumer no later than two business days after receiving the inquiry.

2 Section 12 of the Act is amended by adding the following subsections:

Copies of consumer report to be provided annually

(9) Subject to subsection (10), every consumer reporting agency shall, if a consumer so requests, provide a copy of the person's consumer report free of charge in the form requested by the consumer no later than two business days following the day on which the request is received.

Same, limit

(10) A consumer reporting agency is not required to provide a copy of a consumer report free of charge under subsection (9) if the consumer has already received, free of charge, five copies of the report from the agency in a twelve-month period.

3 Subsection 12.1 (10) of the Act is amended by adding "on and after January 1, 2021" after "a consumer reporting agency may".

4 The Act is amended by adding the following section:

Notice of security freeze

12.4 (1) A consumer may request that a consumer reporting agency place a notice of security freeze on the consumer's file by contacting the agency in accordance with the regulations and providing the prescribed information.

Same

(2) A consumer reporting agency shall, no later than two business days after a request is received under subsection (1), place a notice of security freeze on the consumer's file.

Effect of notice

(3) If a consumer's file includes a notice of security freeze that has not expired, the consumer reporting agency shall not disclose any information from the file to any person, other than the notice of security freeze, without first obtaining the express consent of the consumer.

Exception

(4) Despite subsection (3), information from the file may be disclosed to prescribed governmental agencies.

Removal of freeze

(5) A consumer may request that a consumer reporting agency remove a notice of security freeze that has been placed on the consumer's file by contacting the agency in accordance with the regulations and providing the prescribed information.

Same

(6) A consumer reporting agency shall, no later than two business days after a request is received under subsection (5), remove the notice of security freeze from the consumer's file.

Fees

(7) A consumer reporting agency shall not charge a fee for the placement and removal of up to two notices of security freeze for a consumer during a twelve-month period but may require a fee to be paid by the consumer before any subsequent placement or removal of a notice of security freeze during that twelve-month period.

5 (1) Subsection 13 (1) of the Act is amended by striking out "within a reasonable time" and substituting "no later than 15 business days after receiving notice of the consumer's concern".

(2) Subsection 13 (2) of the Act is amended by adding the following clause:

(0.a) all other consumer reporting agencies in Ontario;

6 Section 25 of the Act is amended by adding the following clause:

- (m) governing the application of section 12.4, including, without limiting the generality of the foregoing,
 - (i) governing how a consumer may make a request under subsection 12.4 (1) or (5),
 - (ii) prescribing information to be provided for the purposes of a request under subsection 12.4 (1) or (5),
 - (iii) prescribing governmental agencies for the purposes of subsection 12.4 (4),
 - (iv) governing the fees a consumer reporting agency may require to be paid under subsection 12.4 (7), including providing for circumstances in which fees may not be charged;

Commencement

7 This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

8 The short title of this Act is the *Fairness in Consumer Reporting Act, 2017*.