The Credit Reporting Act

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Chapter C-43.2 of *The Statutes of Saskatchewan, 2004* (effective March 1, 2005) as amended by the *Statutes of Saskatchewan*, 2018, c 42; and 2024, c 4.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER C-43.2

An Act respecting Credit Reporting

PART I
Preliminary Matters

Short title

1 This Act may be cited as *The Credit Reporting Act*.

Interpretation

2 In this Act:

(a) **"consumer"** means an individual;

(b) **"court"** means the Court of King's Bench;

(c) **"credit information"** means the following information about a consumer:

(i) the consumer's name, age, marital status and number of dependants;

(ii) the name and age of the spouse of the consumer;

(iii) the consumer's current address and any former addresses;

(iv) the occupation of the consumer, including:

(A) the educational and professional qualifications of the consumer; and

(B) the consumer's current and former places of employment;

(v) the consumer's income or estimated income, paying habits, assets and outstanding debt obligations, including cost of living obligations;

(d) **"credit report"** means any written, oral or other communication by a credit reporting agency of credit information, personal information, or both, pertaining to a consumer;

(e) **"credit reporting agency"** means a person who provides credit reports:

(i) for gain or profit; or

(ii) on a regular, co-operative and non-profit basis;

(f) **"file"** means all the information about a consumer recorded or retained by a credit reporting agency regardless of the manner or form in which the information is stored;

(g) **"licence"** means a valid licence pursuant to this Act;

(h) **"minister"** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(i) **"personal information"** means information about a consumer's character, reputation, health, physical or personal characteristics and mode of living, but does not include credit information;

(j) **"prescribed"** means prescribed in the regulations;

(k) **"registrar"** means the person appointed as registrar of credit reporting pursuant to section 4 and includes any deputy registrar appointed pursuant to clause 4(1)(b).

2004, c C-43.2, s 2; 2024, c 4, s 32.

Non-application of Act

3(1) This Act does not apply to a credit reporting agency if the credit reports provided by the credit reporting agency:

(a) deal only with industrial or commercial enterprises; and

(b) are distributed only to industrial or commercial enterprises.

(2) All or any prescribed provision of this Act does not apply:

(a) to any prescribed person or any prescribed class of persons; or

(b) in any prescribed circumstance.

2004, c C-43.2, s 3.

Appointment of registrar of credit reporting

4(1) The minister may appoint:

(a) a person as registrar of credit reporting for the purposes of this Act; and

(b) one or more persons as deputy registrars.

(2) The registrar may appoint any person to carry out any responsibility imposed on the registrar pursuant to this Act or to exercise any power conferred on the registrar pursuant to this Act.

(3) The exercise of any of the registrar's powers or the carrying out of any of the registrar's responsibilities by a person to whom they are delegated is deemed to be the exercise or the carrying out by the registrar.

2004, c C-43.2, s 4.

PART II
Licensing of Credit Reporting Agencies

Licence required

5 No person shall operate or act as a credit reporting agency without holding a licence issued or renewed pursuant to this Part.

2004, c C-43.2, s 5.

Application for licence or renewal of licence

6 In order to obtain or renew a licence, a credit reporting agency shall:

(a) apply to the registrar in the form provided by the registrar;

(b) provide the registrar with:

(i) an address for service in Saskatchewan; and

(ii) any other information that the registrar may reasonably require;

(c) submit to the registrar the prescribed application fee; and

(d) comply with any other prescribed requirements.

2004, c C-43.2, s 6.

Issuance or renewal of licence

7 The registrar may issue a licence to an applicant, or renew the licence of an applicant, if the registrar:

(a) receives an application pursuant to section 6; and

(b) is satisfied that the applicant has complied with this Act and the regulations.

2004, c C-43.2, s 7.

Refusal to issue or renew licence

8 Subject to section 15, on receipt of an application pursuant to section 6, the registrar may refuse to issue or renew a licence if the registrar has reasonable grounds to believe that:

(a) based on the past conduct of the applicant, or any officers, directors or representatives of the applicant, the applicant will not carry on business with honesty and integrity and in accordance with this Act, the regulations or any term or condition of the licence;

(b) the applicant has made a false or misleading statement, with respect to any matter that the registrar considers material, in an application pursuant to section 6 or in any of the information or material submitted to the registrar in support of an application; or

(c) it is not in the public interest to issue or renew the licence.

2004, c C-43.2, s 8.

Suspension or cancellation of licence

9(1) Subject to section 15, the registrar may suspend or cancel a licence on any ground on which the registrar might have refused to issue or renew the licence pursuant to section 8.

(2) If the registrar considers it appropriate to do so, and on receipt of any prescribed reinstatement fee, the registrar may reinstate a licence that has been suspended.

2004, c C-43.2, s 9.

Terms and conditions of a licence

10(1) On issuing, renewing or reinstating a licence, the registrar may include any terms and conditions that the registrar considers appropriate.

(2) Subject to section 15, at any time after a licence is issued, renewed or reinstated, the registrar may amend the terms and conditions of the licence.

2004, c C-43.2, s 10.

Licence not transferable

11 A licence issued, renewed or reinstated pursuant to this Part is not transferable.

2004, c C-43.2, s 11.

Expiry and renewal of licence

12 Unless renewed pursuant to section 7 or cancelled pursuant to section 9, a licence expires on the expiration of the prescribed period.

2004, c C-43.2, s 12.

Audit of licensees

13(1) For the purpose of verifying a licensee's continued eligibility for a licence, the registrar may, at any time:

(a) require the licensee to submit to the registrar any further information or material that the registrar may reasonably require; and

(b) require verification, by affidavit or otherwise, of any information or material submitted to the registrar pursuant to clause (a).

(2) No licensee who receives a request from the registrar pursuant to subsection (1) shall fail to comply with that request within the period specified by the registrar.

2004, c C-43.2, s 13.

Licensee to notify registrar if circumstances change

14(1) Within 30 days after a prescribed change in circumstances, an applicant or licensee shall notify the registrar in writing.

(2) Subject to section 15, after receiving information that there has been a change in circumstances in accordance with subsection (1), the registrar may:

(a) refuse to issue or renew a licence;

(b) suspend or cancel a licence; or

(c) amend the terms and conditions of a licence.

(3) Subject to section 15, if an applicant or licensee fails to comply with subsection (1), the registrar may:

(a) refuse to issue or renew a licence;

(b) suspend or cancel a licence; or

(c) amend the terms and conditions of a licence.

2004, c C-43.2, s 14.

Notification by registrar

15(1) The registrar shall not do any or all of the following without providing written notice to the applicant or licensee and giving the applicant or licensee an opportunity to make written representations:

(a) refuse to issue or renew a licence;

(b) suspend or cancel a licence;

(c) amend the terms and conditions of a licence.

(2) Notwithstanding subsection (1), if the registrar considers that it is necessary and in the public interest to take immediate action, the registrar may immediately suspend or cancel a licence without providing written notice to the licensee and giving the licensee an opportunity to make written representations, but the registrar shall give the licensee an opportunity to make written representations within 15 days after the date on which the registrar suspends or cancels a licence.

(3) On receiving an applicant's or licensee's written representations pursuant to this section, the registrar shall, within a reasonable period:

(a) consider the submissions and make a decision;

(b) notify the applicant or licensee, in writing, of the registrar's decision;

(c) provide written reasons for the registrar's decision; and

(d) provide the applicant or licensee with information respecting the right of appeal pursuant to section 37.

2004, c C-43.2, s 15.

PART III
Regulation of Credit Reporting

DIVISION 1
Credit Reports

Credit reports

16 Every credit reporting agency shall adopt all reasonable procedures to ensure credit reports are accurate and fair.

2004, c C-43.2, s 16.

To whom credit reports may be provided

17(1) No credit reporting agency shall knowingly provide to any person any information from the files of the credit reporting agency except in a credit report provided:

(a) to a person who the credit reporting agency has reason to believe:

(i) intends to use the information in connection with:

(A) the extension of credit to the consumer to whom the information relates; or

(B) the purchase or collection of a debt of the consumer to whom the information relates;

(ii) intends to use the information in connection with the entering into or renewal of a tenancy agreement;

(iii) intends to use the information for employment purposes;

(iv) intends to use the information in connection with the underwriting of insurance involving the consumer;

(v) intends to use the information to determine the consumer's eligibility for any matter pursuant to any Canadian law, if the information is relevant to the eligibility requirement;

(vi) has a direct business need for the information in connection with a business or credit transaction involving the consumer that is not mentioned in subclauses (i) to (v);

(vii) intends to use the information for the purpose of updating the information in a credit report previously provided to the person for one of the reasons mentioned in subclauses (i) to (vi);

(b) to a law enforcement agency in Canada for an investigation or for a prosecution;

(c) in response to a court order;

(d) in accordance with the written instructions of the consumer to whom the information relates; or

(e) in response to an order or direction made by the registrar pursuant to this Act.

(2) No person shall knowingly obtain any information from the files of a credit reporting agency respecting a consumer except for the purposes described in subsection (1).

(3) Notwithstanding subsections (1) and (2), a credit reporting agency may provide identifying information respecting any consumer, limited to the consumer's name, address, former addresses and places of employment to the following, even though the information is not intended to be used for a purpose mentioned in subsection (1):

(a) the Government of Canada;

(b) the Government of Saskatchewan;

(c) the government of any other province or territory of Canada;

(d) an agency of a government mentioned in clauses (a) to (c);

(e) a municipality in Canada or any agency of a municipality;

(f) a police officer acting in the course of his or her duties.

2004, c C-43.2, s 17.

Content of credit report

18 No credit reporting agency shall include any of the following in a credit report:

(a) any information unless the name and address of the source of the information is recorded or retained in its files, or can be readily ascertained by the consumer;

(b) any information not based on the most reliable evidence reasonably available;

(c) any unfavourable personal information unless it has made reasonable efforts to corroborate the evidence on which the personal information is based;

(d) information as to the bankruptcy of a consumer six years after the date of discharge unless the consumer has been bankrupt more than once;

(e) information as to any judgment against a consumer six years after the judgment was given unless the judgment creditor, or his or her agent, confirms that the judgment remains unpaid, and the confirmation appears in the file;

(f) information regarding any debt six years after the last payment was made or if no payment was made, six years after the debt was incurred;

(g) information about a court action or other court proceeding more than 12 months after the date of issue unless the current status of the action or proceeding has been ascertained and is included in the report;

(h) information as to a conviction of the consumer for a crime or summary conviction offence six years after the date of the conviction or, if the conviction resulted in imprisonment, six years after the date of the consumer's release or parole, but no information about a conviction shall be reported if, after the conviction, the consumer has been granted a pardon;

(i) subject to clause (h), information regarding any criminal charges against the consumer unless the charges have resulted in conviction;

(j) information as to any judgment against the consumer unless mention is made of the name and, if available, the address of the judgment creditor or the creditor's agent as given at the date of entry of the judgment and the amount of the judgment;

(k) information about the payment or nonpayment of fines after six years after the fine was imposed;

(l) any information given orally unless the content of the oral report is noted in writing in the file;

(m) information about the race, creed, colour, ancestry, ethnic origin or political affiliation of a consumer;

(n) any other information adverse to the consumer's interest that is more than six years old unless voluntarily supplied by the consumer to the credit reporting agency;

(o) any information that is not stored in a form capable of being produced pursuant to subsection 21(1);

(p) any other prescribed information.

2004, c C-43.2, s 18.

Consent or notice required

19(1) No person shall request or obtain a credit report for a purpose mentioned in clause 17(1)(a) unless:

(a) the consumer has provided his or her consent; or

(b) the person:

(i) provides written notice to the consumer that a credit report will be obtained; and

(ii) provides the consumer with the name and address of the credit reporting agency providing the credit report.

(2) The consent mentioned in clause (1)(a) may be obtained by any method that permits the person to produce evidence that the consumer consented, including prominently displaying the information respecting the consent in a clear and comprehensible manner in an application for credit, insurance, employment or tenancy.

2004, c C-43.2, s 19.

Notice of denial of benefit or increase of cost of benefit

20(1) If a user of information contained in a credit report denies a benefit in whole or in part to a consumer, or increases the cost of the benefit to the consumer, as a result of information contained in a credit report respecting that consumer, the user shall provide written notice to the consumer of the denial or increase.

(2) The user of information must give the notice mentioned in subsection (1):

(a) within 30 days after making the decision; and

(b) in person or by mail to the last known address of the consumer.

(3) If the consumer makes a written request to the user within 60 days after receiving the notice, the user of the information must provide the consumer with the name and address of the credit reporting agency that provided the credit report.

(4) The notice mentioned in subsection (1) must advise the consumer that the consumer can make the request mentioned in subsection (3).

2004, c C-43.2, s 20.

DIVISION 2
Disclosure of Information

Disclosure to consumer by credit reporting agency

21(1) Subject to subsections (2) and (3), on receipt of a request by a consumer, a credit reporting agency shall:

(a) clearly and accurately disclose to the consumer, without charge:

(i) the nature and substance of all information in its files respecting the consumer at the time of the request;

(ii) the sources of its information, unless the consumer is able to readily ascertain those sources;

(iii) the names of any person to whom a credit report has been provided within the preceding six months respecting the consumer; and

(iv) the contents of any written or oral credit report respecting the consumer made to any other person; and

(b) inform the consumer of his or her right to dispute any information contained in the file pursuant to Division 3 and the manner in which a dispute may be made.

(2) A credit reporting agency shall make the disclosures required pursuant to subsection (1) to the consumer:

(a) in person, if the consumer appears in person;

(b) by telephone, if the consumer has made a written request for telephone disclosure; or

(c) by mail, if the consumer has made a written request for disclosure by mail.

(3) The credit reporting agency shall require the consumer to submit reasonable identification before making the disclosure required pursuant to subsection (1).

(4) A credit reporting agency making a disclosure pursuant to clause (2)(a) shall allow the consumer to be accompanied by one witness who shall identify himself or herself to the credit reporting agency and in whose presence the credit reporting agency shall make the disclosure.

(5) If a consumer requests a copy of the material mentioned in clause (1)(a), the credit reporting agency shall provide a copy to the consumer.

(6) Every credit reporting agency shall provide trained personnel to explain to a consumer any information provided to the consumer pursuant to this section.

2004, c C-43.2, s 21.

No condition precedent to disclosure

22 No credit reporting agency shall require a consumer to give an undertaking or waive or release any right as a condition precedent to the consumer's access to the consumer's file pursuant to section 21.

2004, c C-43.2, s 22.

DIVISION 3
Disputes

Dispute by consumer re information on file

23 In order to dispute the completeness or accuracy of any information respecting a consumer contained in a file of a credit reporting agency pursuant to this Division, the consumer must notify the credit reporting agency of the dispute in writing.

2004, c C-43.2, s 23.

Investigation by credit reporting agency

24(1) If a credit reporting agency receives notification of a dispute pursuant to section 23, the credit reporting agency shall investigate within a reasonable time.

(2) If, as a result of an investigation pursuant to subsection (1), any information in the file respecting the consumer is found to be incomplete or inaccurate or can no longer be verified, the credit reporting agency shall, within a reasonable time:

(a) update the information by completing or correcting the information and deleting any information that cannot be verified;

(b) notify the consumer in writing of the changes; and

(c) notify any person in writing who received a credit report respecting the file within six months preceding the changes, unless the consumer requests that notification not be given.

(3) If, as a result of an investigation pursuant to subsection (1), the credit reporting agency is of the opinion that the information in the file respecting the consumer is complete, accurate and verified, the credit reporting agency shall advise the consumer in writing of his or her right to file a written statement of not more than 200 words setting out the nature of his or her dispute respecting the information.

(4) If a statement of dispute is filed by a consumer pursuant to subsection (3), the credit reporting agency shall provide a copy of the statement of dispute:

(a) to any person who received a credit report respecting the file within six months preceding the date the consumer filed a notification of dispute pursuant to section 23, unless the consumer requests that a copy of the statement of dispute not be provided; and

(b) in any subsequent credit report containing the information that the consumer disputes.

2004, c C-43.2, s 24.

Registrar's order

25 If the registrar is of the opinion that any information contained in a file of a credit reporting agency is inaccurate, incomplete, or does not comply with this Act or the regulations, the registrar may make an order doing any or all of the following:

(a) directing the credit reporting agency to amend or delete any information in the file;

(b) restricting or prohibiting the credit reporting agency from using any information in the file;

(c) directing the credit reporting agency to provide notice of any amendment, deletion, restriction or prohibition made pursuant to clause (a) or (b) to any person who has received a credit report.

2004, c C-43.2, s 25.

DIVISION 4
General

Duty to maintain records

26 Every credit reporting agency shall ensure that the following records are made:

(a) complete and accurate records respecting all the information to be disclosed pursuant to subsection 21(1);

(b) any other prescribed records.

2004, c C-43.2, s 26.

Supplying false information prohibited

27 No person shall knowingly supply false or misleading information respecting a consumer to any credit reporting agency.

2004, c C-43.2, s 27.

Sale, lease or transfer of credit reporting agency

28 No person who is or has been licensed as a credit reporting agency shall sell, lease or transfer title to any of its files except to a credit reporting agency licensed pursuant to this Act.

2004, c C-43.2, s 28.

Waiver of benefits ineffective; inclusion of certain clauses forbidden

29 Every agreement or bargain, verbal or written, express or implied, that states or implies any of the following is void:

(a) that the provisions of this Act or the regulations made pursuant to this Act do not apply;

(b) that any right or remedy provided by this Act or the regulations made pursuant to this Act does not apply;

(c) that any right or remedy provided by this Act or the regulations made pursuant to this Act is in any way limited, modified or abrogated.

2004, c C-43.2, s 29.

PART IV
Investigations

Interpretation of Part

30 In this Part, **"record"** means a book, paper, document or thing, whether in electronic form or otherwise, that may contain information respecting the finances or business of a credit reporting agency.

2004, c C-43.2, s 30.

Investigation by registrar

31(1) The registrar may authorize any person that the registrar considers appropriate to conduct any audit, investigation or inquiry and to exercise any of the registrar's powers pursuant to this Part.

(2) The registrar may conduct an audit, investigation or inquiry with respect to any matter that the registrar considers necessary respecting the administration of this Act or the regulations.

(3) For the purposes of an audit, investigation or inquiry pursuant to this section, the registrar may, at any reasonable time, inquire into and examine:

(a) the business affairs of the person being audited, investigated or inquired into;

(b) any record of the person with respect to whom the audit, investigation or inquiry is being made and any payments to, by or on behalf of, in relation to or in connection with that person; and

(c) any property or assets of, or things owned, acquired or alienated in whole or in part by, the person with respect to whom the audit, investigation or inquiry is being made or by any person acting on behalf of or as agent for that person.

2004, c C-43.2, s 31.

Production of records

32 The registrar may, at any reasonable time, demand the production of and inspect any record of the person with respect to whom the audit, investigation or inquiry is being made, and any person who has the custody, possession or control of that record shall produce it and permit inspection of it by the registrar.

2004, c C-43.2, s 32.

Copies of records

33(1) If a record has been examined pursuant to section 31 or inspected pursuant to section 32, the registrar may make copies of that record.

(2) A copy of a record certified by the registrar to be a copy made pursuant to this section:

(a) is admissible in evidence without proof of the office or signature of the person purporting to have signed the certificate; and

(b) has the same probative force as the original record.

(3) The registrar shall ensure that after copies of any records examined pursuant to this Part are made, the originals are promptly returned to:

(a) the place they were removed from; or

(b) any other place that may be agreed to by the registrar and the person who had the custody, possession or control of the record.

2004, c C-43.2, s 33.

Warrant

34(1) If the registrar, pursuant to this Part, requires the production of any record and the person from whom the record is required refuses or neglects to produce that record, the registrar may apply without notice to a justice of the peace or a judge of the provincial court for a warrant authorizing the registrar or a person named in the warrant to:

(a) enter and search any premises named in the warrant for the record that the person refused or neglected to produce; and

(b) seize and take possession of the record.

(2) A justice of the peace or judge of the provincial court may issue the warrant, if satisfied on oath of the registrar that the registrar has required production of a record and the person from whom production was required has refused or neglected to produce that record.

2004, c C-43.2, s 34; 2018, c 42, s 65.

Costs of investigation outside of Saskatchewan

35(1) If the registrar is required to conduct an audit, investigation or inquiry outside of Saskatchewan, the person with respect to whom the audit, investigation or inquiry is being made shall pay all of the reasonable costs associated with the audit, investigation or inquiry, including reasonable travel costs.

(2) No person with respect to whom an audit, investigation or inquiry is being made shall fail to pay an amount directed to be paid pursuant to subsection (1).

2004, c C-43.2, s 35.

Court order

36(1) If the registrar is of the opinion that a person has failed to comply with this Act, the regulations or an order of the registrar, the registrar may apply to the court for all or any of the following:

(a) an order directing the person to comply with this Act, the regulations or an order of the registrar or restraining that person from contravening this Act, the regulations or an order of the registrar;

(b) an order directing the directors and officers of a body corporate to comply with this Act, the regulations or an order of the registrar or restraining those directors and officers from contravening this Act, the regulations or an order of the registrar;

(c) any other order, relief or remedy that the court may grant.

(2) On hearing an application pursuant to subsection (1), the court may make any order that the court considers appropriate.

2004, c C-43.2, s 36.

PART V
Appeals

Appeal to court

37(1) A person who is the subject of a decision or order of the registrar may appeal the decision or order to the court.

(2) An appeal must be made within 30 days after a decision or order of the registrar.

(3) An appellant shall serve a notice of appeal on the registrar and any other person that the court may order.

2004, c C-43.2, s 37.

Documents to be filed with the court for purposes of appeal

38 On receipt of a notice of an appeal pursuant to section 37, the registrar shall file with the court true copies of:

(a) all documents and materials that were before the registrar when the registrar made his or her decision or order;

(b) the registrar's decision or order; and

(c) the registrar's written reasons for the decision or order.

2004, c C-43.2, s 38.

Decision by court

39(1) On hearing an appeal pursuant to section 37, the court may:

(a) dismiss the appeal;

(b) allow the appeal;

(c) allow the appeal subject to terms and conditions;

(d) vary the decision or order of the registrar;

(e) refer the matter back to the registrar for:

(i) further consideration; and

(ii) a decision or order; or

(f) make any other order that the court considers appropriate.

(2) The court may make any order as to costs on an appeal that the court considers appropriate.

2004, c C-43.2, s 39.

Appeal to Court of Appeal

40 The registrar or a person who is the subject of a registrar's decision or order may appeal a decision or order of the court to the Court of Appeal, on a question of law only, within 30 days after the decision or order of the court.

2004, c C-43.2, s 40.

Application for stay

41 The commencement of an appeal pursuant to section 37 or 40 does not stay the effect of the decision or order appealed from, unless a judge of the court or the Court of Appeal orders otherwise.

2004, c C-43.2, s 41.

PART VI
General

Agreements with other jurisdictions

42 Subject to the approval of the Lieutenant Governor in Council, the registrar may enter into an agreement with any other government, regulatory authority, law enforcement agency, investigative body or person inside or outside Canada:

(a) for the purpose of administering or enforcing this Act or any Act or law of the other jurisdiction that is similar to this Act, including an agreement authorizing the registrar to perform responsibilities and exercise powers on behalf of the other government, regulatory authority, law enforcement agency, investigative body or person and authorizing the other government, regulatory authority, law enforcement agency, investigative body or person to perform responsibilities and exercise powers on behalf of the registrar; or

(b) for any other purpose that the registrar believes is in the public interest.

2004, c C-43.2, s 42.

Restrictions on access to records

43(1) Any information obtained by the registrar as a result of an investigation or inspection pursuant to this Act is not open to inspection or available for access except by:

(a) those members of the public service of Saskatchewan employed in the office of the registrar whose responsibilities require them to inspect or allow them to have access to the information; and

(b) those persons who are authorized in writing by the registrar to inspect or to have access to the information.

(2) Unless authorized by this Act or by any other law or with the consent of the person to whom any information relates, no member of the public service of Saskatchewan employed in the office of the registrar and no person authorized by the registrar to inspect or have access to the information shall:

(a) communicate or allow to be communicated any information obtained pursuant to this Act to any person who is not legally entitled to the information; or

(b) allow any person who is not legally entitled to the information obtained pursuant to this Act to inspect or have access to it.

(3) Notwithstanding subsections (1) and (2), the registrar may authorize the release of, inspection of or access to the information mentioned in those subsections to or by any person employed by a government, regulatory authority, law enforcement agency or investigative body inside or outside Canada if:

(a) the information will be used solely for the purpose of administering or enforcing an Act or law of Saskatchewan or Canada or of another jurisdiction inside or outside Canada;

(b) the release, inspection or access is pursuant to an agreement made pursuant to section 42; or

(c) the registrar believes that it is in the public interest to allow the release, inspection or access.

(4) No person to whom information is provided pursuant to this section is compellable to give evidence concerning that information unless:

(a) the person to whom the information relates consents; or

(b) a court orders the evidence to be given.

(5) On an application for an order pursuant to clause (4)(b):

(a) the registrar and the person to whom the information relates are entitled to appear before the court and to make submissions; and

(b) the person seeking the order compelling the evidence has the onus of showing why it is in the public interest that the order be made.

2004, c C-43.2, s 43.

Evidence re certificate of registrar

44 A certificate of the registrar certifying all or any of the following facts is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without proof of the signature or official position of the person purporting to have signed the certificate:

(a) that a person named in the certificate was or was not licensed;

(b) that a licence was issued to a person on a date set out in the certificate;

(c) that the licence of a person was suspended or cancelled;

(d) that a licence issued to a person was made subject to terms and conditions.

2004, c C-43.2, s 44.

Evidence of carrying on business without a licence

45 If, in a prosecution for an alleged contravention of this Act, it is alleged that the accused operated or acted as a credit reporting agency without being the holder of a licence, evidence that a person provided credit information or personal information to a person is proof, in the absence of evidence to the contrary, that the accused operated or acted as a credit reporting agency without being the holder of a licence.

2004, c C-43.2, s 45.

Service

46(1) Any notice or other document that is required to be served pursuant to this Act or in any proceeding or matter under the jurisdiction of the registrar may be served:

(a) by personal service made:

(i) in the case of an individual, on that individual;

(ii) in the case of a partnership, on any partner; or

(iii) in the case of a corporation, on any officer or director of the corporation;

(b) by registered mail addressed to the last address of the person to be served known to the registrar;

(c) in the case of a notice to the public, or to persons who are too numerous to be served individually, by publishing the notice in any manner that the registrar may direct; or

(d) by any other prescribed means.

(2) A notice or document sent by registered mail is deemed to have been served on the seventh day following the date of its mailing unless the person to whom it was mailed establishes that, through no fault of his or her own, the person did not receive the notice or document or received it at a later date.

(3) Service of a notice or document to be sent by any other prescribed means is to be proved in the prescribed manner.

(4) A notice or other document required to be served on the registrar may be served:

(a) by leaving it at the office of the registrar with any person appearing to have authority to accept the notice or document;

(b) by registered mail addressed to the address of the office of the registrar; or

(c) by any other prescribed means.

2004, c C-43.2, s 46.

Offences and penalties

47(1) No person shall:

(a) fail to comply with any order or direction made pursuant to this Act; or

(b) contravene any provision of this Act or the regulations.

(2) No person shall make a false or misleading statement in any application or in any proceeding or in response to any inspection or investigation.

(3) Every person who contravenes any provision of this Act or the regulations is guilty of an offence.

(4) Every person who is guilty of an offence is liable on summary conviction:

(a) for a first offence:

(i) in the case of an individual, to a fine of not more than $10,000, to imprisonment for a term of not more than one year or to both; and

(ii) in the case of a corporation, to a fine of not more than $25,000; and

(b) for a second or subsequent offence:

(i) in the case of an individual, to a fine of not more than $25,000, to imprisonment for a term of not more than one year or to both; and

(ii) in the case of a corporation, to a fine of not more than $100,000.

(5) If a corporation commits an offence pursuant to this Act, any officer or director of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalties for an individual mentioned in this section whether or not the corporation has been prosecuted or convicted.

2004, c C-43.2, s 47.

Limitation on prosecution

48 No prosecution for a contravention of this Act or the regulations is to be commenced more than two years from the date on which the offence is alleged to have been committed.

2004, c C-43.2, s 48.

Immunity

49 No action or proceeding lies or shall be commenced against the Crown, the minister, registrar, or any other person if that person is acting pursuant to the authority of this Act or the regulations, for anything in good faith done, caused or permitted or authorized to be done, attempted to be done or omitted to be done by that person or by any of those persons pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

2004, c C-43.2, s 49.

Regulations

50 The Lieutenant Governor in Council may make regulations:

(a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;

(b) exempting any person or any class of persons from all or any provision of this Act and requiring any exempted person or class of exempted persons to comply with any prescribed term or condition, and prescribing any circumstance in which all or any provision of this Act does not apply;

(c) prescribing the fees to be paid for the issuance of licences, the renewal of licences and the reinstatement of licences that have been suspended;

(d) prescribing requirements respecting applicants for licences;

(e) prescribing the period after which a licence expires;

(f) prescribing changes in circumstances for the purposes of section 14;

(g) for the purposes of clause 18(p), prescribing any other information that a credit reporting agency shall not include in a credit report;

(h) for the purposes of clause 26(b), requiring that certain records be made;

(i) respecting the service of documents;

(j) prescribing any other matter or thing that is required or authorized by this Act to be prescribed in the regulations;

(k) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

2004, c C-43.2, s 50.

RSS 1978, c C-44 repealed

51 *The Credit Reporting Agencies Act* is repealed.

2004, c C-43.2, s 51.

Coming into force

52 This Act comes into force on proclamation.

2004, c C-43.2, s 52.

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