

Data Inspection Board Statute Book

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DIFS 2005:1

Reprint

Regulation amending Data Inspection Board Regulation (DIFS 1989:1) concerning permission pursuant to section 2 of the Debt Collection Act (1974:182)

adopted on 8 June 2005.

The Data Inspection Board provides, in accordance with section 6 of the Debt Collection Ordinance (1981:956), that sections 4 and 5 of Data Inspection Board Regulation (DIFS 1989:1) concerning permission pursuant to section 2 of the Debt Collection Act (1974:182) shall be repealed on 30 June 2005.

The Regulation will therefore read as follows with effect from 1 July 2005.

Section 1 Section 2 of the Debt Collection Act provides that debt collection services involving the recovery of debts on behalf of another or of debts assumed with a view to recovery may only be provided by entities that have been granted permission by the Data Inspection Board. This section also allows for the provision of such services without the said permission in certain cases.

The Data Inspection Board stipulates, by way of specifying exemptions from the requirement to obtain permission laid down in section 2 of the Debt Collection Ordinance, that permission is not required in the case of:

1. local authorities that recover debts on behalf of municipal enterprises and foundations;
2. local authority-owned enterprises that provide debt collection services for municipal enterprises and foundations;
3. trade union organizations that recover salary arrears on behalf of their members;
4. trade associations that are not engaged in economic activity themselves and provide debt collection and other administrative services for their member enterprises, provided that debt collection is not their principal activity;
5. group enterprises as defined in chapter 1, section 5 of the Companies Act (1975:1385), chapter 1, section 4 of the Economic Associations Act (1987:667) and chapter 1, section 1 of the Annual Reports etc. in Certain Enterprises Act (1980:1103), provided that their debt collection activities only relate to debts that were incurred by or assumed from other enterprises belonging to the same group that were not subject to the requirement to obtain permission;
6. debt collection activities pursued by an employee of a law firm in conjunction with the law practice and under the supervision of a lawyer. (DIFS 1996:4).

Applications for permission

Section 2 Applications for permission pursuant to section 2 of the Debt Collection Act shall be made by persons who intend to pursue debt collection activities.

Applications may be made on special forms that are available from the Data Inspection Board. (DIFS 1999:2).

Section 3 Permission holders shall, if they intend to continue to pursue this activity, submit a new application in good time before the validity of the permission expires. Applications for renewal shall contain the information referred to in section 2 of the Debt Collection Ordinance. If there is no change in circumstances and they remain the same as those specified in the original application or subsequently notified to the Data Inspection Board, a reference to the relevant written document will suffice. In that case the applicant shall specify the document or documents.

Provisions applicable to permission holders

Section 4 *is repealed by* (DIFS 2005:1).

Section 5 *is repealed by* (DIFS 2005:1).

Section 6 Permission holders shall, within seven days, notify the Data Inspection Board of:

1. any change or decision involving a change as a result of which the person whose qualifications have been assessed is replaced by another person;
2. any change or decision involving a change in the procedures for managing and accounting for the sums collected;
3. any significant change or decision involving such a change in debt collection routines.

This statute¹ shall enter into force on 1 April 1989.

This statute² shall enter into force on 1 August 1996.

This statute³ shall enter into force on 1 November 1999.

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¹ DIFS 1989:1

² DIFS 1996:4.

³ DIFS 1999:2.