

GUIDELINE ON CREDIBLE EVIDENCE FOR DISPUTED CREDIT BUREAU INFORMATION



National Credit Regulator

Advocating For Inclusive Credit

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1. INTRODUCTION

Section 16(1)(b)(i) of the National Credit Act 34 of 2005 ("the Act"), empowers the National Credit Regulator ("NCR") to provide guidance to the credit market and industry by issuing explanatory notices on the interpretation of the Act.

2. PURPOSE OF THIS GUIDELINE

The purpose of this Guideline is to clarify the standard of "credible evidence" required to verify disputed consumer credit information and to ensure consistent, fair, and lawful treatment of all disputes handled in terms of section 72(3) of the Act and its Regulations.

3. BACKGROUND

There is a recognised need for clarity on the standard of evidence required to confirm or correct disputed credit information. Inconsistent practices across the credit market have led to consumer prejudice, poor-quality data, and misaligned reporting.

Accurate and verifiable credit information is essential for the integrity of the credit reporting system. Where disputed information cannot be supported by credible evidence, it must be removed in accordance with section 72(3).

This Guideline provides clear parameters for what constitutes credible evidence to ensure that credit information is verified, reported accurately, and classified correctly. Consistent standards support fair treatment of consumers, reliable credit decision-making, and compliance with the Act and its Regulations.

Although some data suppliers fall outside the NCR's direct regulatory jurisdiction, their conduct affects the quality and integrity of credit information. This Guideline therefore outlines expectations for all entities that provide data to credit bureaus.

4. DEFINITIONS

For purposes of this Guideline,

Dispute/Challenge means: where a consumer challenges the accuracy of consumer credit information on their credit profile in terms of section 72(3) of the Act.

Credible evidence means: Objective, reliable and verifiable information that is sufficiently detailed to prove, on a balance of probabilities, that the disputed credit information is accurate. This typically includes documentary records generated in the ordinary course of business (such as contracts, statements of account, court orders, cession documents, system logs and communications records) that can be independently verified. Furthermore, what constitutes credible information depends on the nature of the consumer's factual enquiry and factual dispute.

Data supplier means: Any person or entity that supplies consumer credit information to a credit bureau, including credit providers.

5. THE STATUTORY PROVISIONS

5.1. Section 72(3) of the Act provides that:

"If a person has challenged the accuracy of information proposed to be reported to a credit bureau or to the national credit register, or held by a credit bureau or the national credit register, the credit provider, credit bureau or national credit register, as the case may be, must take reasonable steps to seek evidence in support of the challenged information, and within the prescribed time after the filing of the challenge must:

(a) provide a copy of such credible evidence to the person who filed the challenge; or

(b) remove the information, and all record of it, from its files if it is unable to find credible evidence in support of the information..."

5.2. Regulation 20(2) of the Act states that:

"If the accuracy of the consumer credit information has been challenged by a consumer in terms of section 72(3)(a) and (b) of the Act, the person to whom the challenge has been made must take the steps set out in section 72(3) within 20 business days after the filing of the challenge."

6. PRINCIPLES FOR CREDIBLE EVIDENCE

- 6.1. In applying this Guideline, credit bureaus and data suppliers must ensure:
 - 6.1.1. **Objectivity:** Evidence must consist of objective, factual records and not opinions or unsupported assertions.
 - 6.1.2. **Contemporaneity:** Evidence should, wherever possible, have been created at or near the time of the event being verified.
 - 6.1.3. **Traceability and auditability:** Evidence must be capable of independent audit, including system logs that show dates, times, and communication channels.
 - 6.1.4. **Sufficiency:** Evidence must, on a balance of probabilities and prima facie, confirm the accuracy of the disputed information. Bare confirmations (i.e. “the listing is correct”) do not meet this standard.
 - 6.1.5. **Data protection compliance:** All evidence must be obtained, stored and shared in line with applicable privacy and confidentiality requirements.

7. OBLIGATIONS RELATING TO CREDIBLE EVIDENCE

- 7.1. Credit bureaus must take reasonable steps to seek and provide credible evidence in support of disputed credit information within twenty (20) business days as required by section 72(3) read with Regulation 20(2) to the Act.
- 7.2. Credit bureaus must provide a copy of such evidence to the person who filed the challenge.
- 7.3. Credit bureaus must, upon receipt of a dispute, temporarily mask the disputed information during the investigation. If credible evidence supporting the information cannot be obtained within the prescribed period, the credit bureau must remove the disputed information and all record of it from their files.
- 7.4. Credit bureaus must keep adequate records of all disputes, the evidence obtained and the outcome of each dispute, in a format that allows effective auditing by the NCR and other authorised bodies.
- 7.5. Credit bureaus must ensure that procedures are in place to prevent the re-insertion of information that has been removed whether due to a lack of credible evidence or because credible evidence indicates the information is inaccurate, unless new credible evidence is subsequently obtained.
- 7.6. Credit providers must maintain adequate internal records and respond promptly to evidence requests from credit bureaus.
- 7.7. Credit providers and other data suppliers must acknowledge that bare confirmations (for example “the listing is correct”) without supporting records do not meet the standard of credible evidence required by section 72(3).
- 7.8. All data suppliers who submit information to credit bureaus should:
 - 7.8.1. keep adequate internal records to support the information they submit;
 - 7.8.2. respond promptly and reasonably to requests for information from credit bureaus in relation to consumer disputes;
 - 7.8.3. provide objective, verifiable records in line with the minimum evidence requirements in this Guideline when requested to do so; and
 - 7.8.4. ensure that the gathering, storage and disclosure of information complies with applicable data protection and confidentiality laws.
- 7.9. Consumers have the right to dispute any inaccurate or incorrect information about them that is being reported or is already held by a credit bureau and may require the credit bureau to investigate the accuracy of any challenged information free of charge.
- 7.10. Consumers must submit disputes relating to the accuracy of their consumer credit information to any of the hosting credit bureaus. The credit bureaus must handle such disputes in line with the applicable provisions of the Act and the Regulations. The procedures for the submission and resolution of consumer credit information disputes are detailed in Guideline 005/2024 issued by the NCR.
- 7.11. Consumers may submit supporting documents, but the primary duty to locate credible evidence rests with credit bureaus and data suppliers.

8. MINIMUM REQUIREMENTS FOR CREDIBLE EVIDENCE

- 8.1. Credit bureaus must obtain credible evidence to support disputed information within twenty (20) business days of receiving a dispute.
- 8.2. Annexure A sets out the minimum evidence required to confirm the accuracy of each type of disputed credit information.

9. EFFECTIVE DATE

This Guideline is effective immediately.

FOR MORE INFORMATION, QUESTIONS OR CLARITY RELATING TO THIS GUIDELINE:

Please address all queries to the **Executive Legal Unit** at ExecutiveLegalUnit@ncr.org.za



Disclaimer:

While the NCR has taken reasonable care to ensure the factual accuracy of this guideline, it cannot guarantee such accuracy, especially with regards to future events. Accordingly, NCR does not accept any liability for damages incurred by any party as a result of decisions or actions taken pursuant to this guideline.

ANNEXURE A: MINIMUM CREDIBLE EVIDENCE

This Annexure outlines the minimum credible evidence required to verify or correct different categories of consumer credit information disputes.

1. OUTDATED RETENTION PERIOD DISPUTES

1.1 Payment Profile Information

Minimum credible evidence from the credit provider/data supplier:

- Statement of account (or transaction history) from the data supplier reflecting the date of the last payment and, where applicable, the date the account was closed or settled; and,
- A settlement letter issued to the consumer (where available); and
- A system log or screen-print from the data supplier's system (where available) showing the system date on which the information was extracted, the consumer details as recorded on the supplier's system, full account information (including account number, account open/initiation date, account status code and the corresponding status code date), account status (open/closed/settled/written-off) and the dates of key events (closure, write-off, hand-over, etc.).

1.2 Civil Court Judgments, Sequestration, Rehabilitation and Administration Orders

Minimum credible evidence from the relevant court of law:

- A certified copy of the court order confirming the relevant date the order was issued, or
- An official electronic court extract, issued by a competent court, containing the case number, date of the hearing, and nature of the order.

1.3 Enquiries

Minimum credible evidence from the credit bureau:

- Credit bureau system logs showing the date and time of the enquiry, the enquirer's name/member code and the purpose of enquiry (for example affordability, tracing, credit application); and

- System confirmation that entries older than the applicable retention period (one year) have been removed or are scheduled for removal; and
- Where the enquiry is older than one year, internal system records showing that the enquiry has been removed, or must be removed, in line with the retention period.

1.4 Trace Alerts

Minimum credible evidence from the credit bureau:

- System logs showing the date the trace alert was placed and the identity of the data supplier or trace service that requested the alert;
- Trace alert data must be removed after one year, based on the credit bureau's own system records.

2. DUPLICATED INFORMATION

2.1 Duplicate Payment Profile / Adverse Information

Minimum credible evidence for assessing duplicate records:

- Statements of account and/or system records showing that the accounts relate to different agreements (different account/contract numbers, different initiation dates, or different creditors, limit, principal debt, instalment, balance, or term), and that balances, terms or dates differ in a way that demonstrates they are separate facilities; and/or
- Written confirmation from the data supplier, with reference to its system records, that the accounts are not duplicates.
- Where two records share the same underlying account/contract number or creditor reference, this will normally indicate duplication and the duplicate must be removed.)

2.2 Duplicate Civil or Maintenance Judgments

Minimum credible evidence for assessing duplicate judgments:

- Copies of both court orders, or an official court extract, showing that they are in fact separate judgments (different case numbers and/or different dates and amounts).
- Where records show the same court, case number and cause of action, any duplicate record must be removed.

2.3 Duplicate Administration/Sequestration Orders

Minimum credible evidence for assessing administration/sequestration orders:

- Court records or official extracts must be used to determine whether the orders relate to distinct proceedings. If records show that multiple entries arise from the same case number or underlying order (for example repeat feeds or amendments), only the correct current status must be retained and duplicate entries must be removed.

2.4 Duplicate trace alerts

Minimum credible evidence:

- System logs and/or written confirmation from the data supplier showing that the trace alerts relate to two different accounts or purposes (for example separate tracing mandates). Where alerts relate to the same account and event, duplicate trace entries must be removed.

3. FACTUALLY INCORRECT INFORMATION

3.1 Account does not belong to consumer

Minimum credible evidence to retain information:

- Copy of the signed credit agreement or other proof of contract together with the copy of the ID document/passport submitted by the consumer or other proof of identity obtained; and/or
- Where full documents cannot lawfully be shared with the credit bureau, written confirmation from the data supplier that it holds a signed agreement and proof of identity which match the consumer's particulars on the credit bureau, and that these documents will be made available directly to the consumer, the NCR or a court on request; and, where available;
- Identity verification evidence, such as:
 - Department of Home Affairs ID verification results confirming whether the ID used at account origination corresponds to the consumer; and/or
 - Copies of ID or biometric verification records used during onboarding.
 - Application-origin and usage evidence, such as:

- Internal system logs reflecting the date, method, and process of account origination;
- IP address records, device fingerprints, and other application metadata indicating the device or location from which the application was submitted;
- Call recordings;
- Metadata associated with documents submitted during the application;
- Evidence of Identity Document/Card or consumer mismatch (for example Department of Home Affairs confirmation that the Identity Document/Card used belongs to a different person, or clear proof of cloning/incorrect capture) and/or;
- Written confirmation from the data supplier that the account was erroneously linked to the consumer and has been corrected in its own systems.

3.2 Adverse record does not belong to a consumer

Minimum credible evidence:

- Copy of the signed credit agreement or other proof of contract and copy of the Identity Document/Card/passport submitted by the consumer or other proof of identity obtained; and/or
- Written confirmation, as described above, that underlying documentation held by the data supplier matches the consumer's details; and
- Any supporting system records linking the adverse record to the specific account and consumer.

3.3 Civil Court Judgment does not belong to a consumer

Minimum credible evidence:

- A copy of the court documents or an official court extract referencing the consumer's full name and identity number.
- Where the identity number is not reflected on the judgment record, the credit provider must rely on other objective and independently verifiable identifiers that reliably link the judgment to the consumer, such as:

- the consumer's physical address as reflected on the court record, if it matches an address already held or verified in the consumer's credit application or existing credit profile;
- the consumer's date of birth, where included on the court record;
- reference to a specific account number or credit agreement number already associated with the consumer;
- case details or pleadings that clearly identify the consumer as a party, where the identification can be objectively verified.
- Any identifier must be: (a) independently verifiable; (b) specific to the consumer; and (c) sufficient on its own or when combined with other identifiers to reasonably and objectively confirm that the judgment relates to the consumer.

3.4 Civil Court Judgment taken in error (including prescribed debt)

Minimum credible evidence:

- Copy of the rescission order granted by the court;
- An official electronic court extract issued through the court's recognised electronic system, confirming that the judgement has been rescinded or set aside.

3.5 Administration, Sequestration or Rehabilitation Order does not belong to a consumer

Minimum credible evidence:

- Copy of the order or court file documents, or official extract, referencing the consumer's full name and proof of identity or other reliable identifiers.

3.6 Incorrectly linked or tracing information

Minimum credible evidence from data supplier/ credit provider:

- Written or system generated confirmation from the data supplier demonstrating the basis on which the information was linked to the consumer. Where the data supplier cannot objectively verify the link through independently verifiable identifiers such as ID number, date of birth or account reference, the information must be removed.

3.7 Account information not updated for 60 days or more

Minimum credible evidence from data supplier/credit provider:

- Statement(s) of account from the data supplier covering the period in dispute, reflecting current balance, account status and payments received; and

3.8 Account was never in arrears

Minimum credible evidence:

- Statement of account or system log indicating that the account was paid timeously and never in arrears. The record must include sufficient identifying information to verify the account, such as the account number, account open/initiation date, account status and status date, and key financial details (limit/principal debt, instalment, balance, term).; and
- Written confirmation from the data supplier, based on its own account records, that the account was (or was not) in arrears for the period in question.
- Where the consumer provides proof of payment (for example bank statements) that contradicts the supplier's position and the supplier cannot produce contrary records, the information must be corrected or removed.

4. ADVERSE LISTING DISPUTES

4.1 No Notification dispatched prior to listing

Minimum credible evidence:

- Written confirmation from the data supplier that the consumer was notified of the possibility of the listing at least 20 business days prior to the adverse date but not more than 365 calendar days before the adverse listing date, supported by records of the factual notices sent. Acceptable forms of evidence include:
 - Monthly statements sent to the consumer advising of possible listing, together with proof of dispatch;
 - Letters of demand sent by the data supplier advising of possible listing, with postal track-and-trace or equivalent;
 - Any electronic messages sent by the data supplier advising of possible listing, with system logs showing date, destination number and delivery status;

- Call recordings or call-log records evidencing that the consumer was advised of possible listing; or
- Section 129 notices or similar correspondence with evidence that notice was given at least 20 business days prior to the adverse listing.
- Generic statements that a notice “would have been sent in the ordinary course of business”, without any specific record of dispatch, do not constitute credible evidence.

4.2 Required Minimum Instalments not paid for at least three consecutive billing cycles

Minimum credible evidence from credit provider/data supplier:

- Statement of account from the data supplier confirming that the required minimum monthly (or other) instalment payments have not been paid for at least three consecutive billing cycles; or
- Written confirmation from the data supplier indicating that the required instalments have not been paid for at least three consecutive billing cycles.
- The statement must clearly show, for each of the three cycles before listing, the due date, minimum amount due and payments received (if any).

4.3 Arrears settled within the 20 business day notice period (Regulation 19(4))

Minimum credible evidence from the data supplier/credit provider:

- Statement of account from the data supplier showing that the arrears were or were not settled within the 20 business day notice period; or
- Written confirmation from the data supplier that the arrears were not settled within the 20 business day notice period contemplated in Regulation 19(4).

4.4 Consumer disputed liability within the 20 Business Day notice period (Regulation 19(9))

Minimum credible evidence:

- Written confirmation from the data supplier that the consumer did not raise a dispute within the 20-business day notice period contemplated in Regulation 19(9); and/or

- Proof from the consumer that they did raise a dispute with the data supplier prior to the listing.
- Proof of a dispute may include emails, written complaints, call-centre case numbers, call logs or any other record in the data supplier's complaints system.

5. FRAUDULENT ACCOUNT DISPUTES

5.1 Account was applied for fraudulently and does not belong to the consumer

Minimum credible evidence where the data supplier maintains the account is valid:

- Application or credit agreement reflecting the consumer's name, identity number and contact details and evidence of consent/signature (physical or digital); and
- Know Your Customer (KYC) documentation used at application (Identity document/card copy, proof of residence, or Department of Home Affairs verification); and, for digital/on-line applications where available IP/device/location metadata showing the origin of the application consistent with the consumer's usage patterns.

Minimum credible evidence to remove or suppress information where fraud is accepted or not disproved:

- South African Police Services (SAPS) case number and, where available, a police affidavit; and/or
- The data supplier's internal fraud investigation report confirming that the account is fraudulent or suspected fraudulent; and/or
- Fraud alerts from recognised industry fraud sharing mechanisms (where lawfully used); and/or
- Evidence that the signature/biometrics, device, or location do not belong to or reasonably align with the consumer, and the data supplier cannot produce contrary evidence.

6. PRESCRIPTION, ON-SOLD DEBT AND LEGAL STATUS DISPUTES

6.1 Prescription Disputes

Minimum credible evidence from credit provider/data supplier to retain information:

- Proof of interruption of prescription, such as:
 - Default judgment;
 - Acknowledgment of debt or consent to judgment signed by the consumer;
 - Proof of payment or part-payment within the prescription period (statement, bank records) – the said proof must be received from consumer or generated from the consumer's own bank account;
 - Voice recording or written correspondence where the consumer acknowledges liability.
- These must include dates to show that prescription was validly interrupted.

Minimum credible evidence from consumer to remove information:

- Full account history or bank statements from the consumer showing no payment or acknowledgment within the relevant prescription period; and
- Absence of any proof of interruption from the data supplier; or
- Written confirmation from the supplier that the debt has prescribed and will no longer be enforced or reported.

6.2 On-sold / Ceded Debt (Change of data supplier)

Minimum credible evidence:

- Cession letter that identifies the cedent and cessionary, specify the debt being ceded (including the debtor's details and the debt amount), state the date of cession, detail the purpose of the cession, and include the signatures of both parties; or
- Original credit agreement and account statement from the original credit provider;
- Copies of notices required by Regulation 19(4) and any section 129 notices; and

Minimum credible evidence to remove or correct information:

- Evidence that the specific account was not included in the cession/sale; or

- Written confirmation from the new owner that the account was never taken over or has been cancelled; or
- Evidence that both the original and new owner are reporting the same debt without correctly indicating the transfer, in which case the obsolete record must be removed or amended; or
- Evidence that the ceded debt and/or amount was not valid/accurate before cession took place (i.e. debt had already prescribed and therefore did not exist)

6.3 Debt Counselling / Debt Review Status

Minimum credible evidence to retain information:

- Form 17.1 and Form 17.2 (where applicable) confirming that the consumer is under debt review; and/or
- Court order placing the consumer under debt review; and/or

Minimum credible evidence to remove or amend information:

- Form 19 clearance certificate; or
- Form 17.W (withdrawal) together with confirmation from the debt counsellor that the consumer has withdrawn / is no longer under debt review; or
- Court order rescinding or varying the original debt review order; or