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**RESERVE BANK (NATIONAL CREDIT
REGISTER) BILL 2026**

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January 00, 2026

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**RESERVE BANK (NATIONAL CREDIT REGISTER)
BILL 2026**

**A BILL FOR AN ACT RELATING TO THE CREATION OF A NATIONAL
CREDIT REGISTER**

Commencement [Date]

BE IT ENACTED by the King and Legislative Assembly of Tonga in the
Legislature of the Kingdom as follows:

PART 1 – PRELIMINARY

1 Short title and commencement

- (1) This Act may be cited as the Reserve Bank (National Credit Register) Act 2026.
- (2) This Act commences on a date as the Minister determines by notice published in the Gazette.

2 Purpose of the Act

The purpose of this Act is to provide for -

- (a) the establishment of a national credit register to be maintained and administered by the Reserve Bank;
- (b) the oversight and reporting of credit information and its recording on the national credit register; and
- (c) access to credit information by credit providers and others enabling them to make better informed decisions as to the creditworthiness of persons to whom they provide credit or with whom they otherwise deal.

3 Interpretation

In this Act, unless the context otherwise requires:

- “**applicant**” means an applicant for the provision of credit;
- “**approved form**” means the form or format approved by the Reserve Bank under section 41;
- “**approved procedure**” means a procedure approved by the Reserve Bank under section 41;
- “**credit**” means a loan, deferred payment or other form of financial accommodation for an amount of [to come] or more;
- “**credit agreement**” means an agreement for the provision of credit;
- “**credit application**” means an application for the provision of credit;
- “**credit information**” has the meaning given in section 10; and includes historical credit information as necessary;
- “**credit provider**” -
 - (a) means any person who carries on a business involving the provision of credit; and
 - (b) includes an LRE;
- “**file**” means to lodge, submit, deliver or otherwise provide;
- “**form**” includes format;
- “**historical credit information**” has the meaning given in section 19(3);
- “**identification information**” means the information set out in section 11 or 12, whichever applies;
- “**liable reporting entity**” or “**LRE**” has the meaning given in section 6;
- “**linking information**” has the meaning given in section 8(3);
- “**Minister**” means the Minister of Finance;
- “**Reserve Bank**” means the National Reserve Bank of Tonga established under the National Reserve Bank of Tonga Act (Cap 102);
- “**prescribed**” means prescribed by regulations but in relation to a form or procedure means a form or procedure approved under section 41 if none is prescribed;

- “**procedure**”, in relation to a form, includes the procedure for filing the form;
- “**register**” means the national credit register that is established under section 5;
- “**reportee**” has the meaning given in section 7;
- “**regulations**” means regulations made under this Act;
- “**working day**” means a day that is not a Saturday, Sunday or public holiday.

4 Act binds the Crown

This Act binds the Crown.

PART 2 – NATIONAL CREDIT REGISTER

5 National credit register

- (1) The Reserve Bank must establish, maintain and administer a national credit register in accordance with this Act.
- (2) The purpose of the register is to record and make available credit data for use by a person having a legitimate interest in the creditworthiness of another person (for example, the interest of a credit provider in assessing the creditworthiness of an applicant for the provision of credit).

6 Liable reporting entity

- (1) A liable reporting entity or LRE is an entity or other person in a class of entity or person set out in the Schedule.
- (2) Regulations may be made amending the Schedule by adding or removing a class of entity or person.

7 Who is reportee

- (1) A reportee is an entity or a person who is the subject of credit information that must be reported by an LRE under Part 3.
- (2) A reportee, in relation to an LRE, may be either -
 - (a) an applicant for the provision of credit by the LRE; or
 - (b) if the LRE grants an application for credit, a debtor or guarantor under the resulting credit agreement.
- (3) An applicant for the provision of credit may include an individual, a business, a partnership, a trust, a company or any other association of persons, whether incorporated or not, and in all cases whether or not resident, carrying on business or registered in Tonga.

8 Contents of register

- (1) The register may contain, in relation to a reportee -
 - (a) the credit information reported by an LRE under Part 3;
 - (b) linking information; and
 - (c) credit scores and other analyses produced or obtained by the Reserve Bank.
- (2) The register may also contain general reports, analyses and statistics produced or obtained by the Reserve Bank from which reportees cannot be identified.
- (3) Linking information is information linking a reportee with any other reportee by virtue of a guarantee, indemnity or other liability under or in relation to the same credit agreement.
- (4) The register must not contain information in relation to a reportee except as permitted by this section.

PART 3 – REPORTING CREDIT INFORMATION

9 Obligation to report credit information

- (1) An LRE must report to the Reserve Bank the credit information for each of its reportees in accordance with this Part.
- (2) Before reporting credit information, an LRE must obtain the consent of the reportee in question.
- (3) In subsection (2), “**consent**” means any freely given, specific, informed, and unambiguous indication, whether by a written or oral statement or an affirmative action, of the reportee’s agreement to the LRE reporting the reportee’s credit information.
- (4) The consent of a reportee given under this section may be -
 - (a) limited to 1 occasion of reporting; or
 - (b) on-going, subject to the right of the reportee to withdraw ongoing consent.

10 Outline of credit information

- (1) The following is credit information -
 - (a) identification information;
 - (b) credit application information;
 - (c) credit account information;
 - (d) credit default information.

- (2) Regulations may be made prescribing additional information for each of the categories of credit information set out in subsection (1).

11 Identification information: individual

- (1) The following is identification information for a reportee who is an individual -
- (a) full name and any former surname (including any alias);
 - (b) national identification number (if any);
 - (c) gender;
 - (d) current residential address;
 - (e) previous residential addresses within 5 years before the date of application for credit;
 - (f) contact details (landline, mobile, email);
 - (g) tax identification number;
 - (h) employment status;
 - (i) if employed, occupation and economic sector.
- (2) If the reportee is carrying on his or her activities other than as an employee, identification information also includes the following -
- (a) trading name;
 - (b) business licence number (if applicable)
 - (c) business address;
 - (d) business contact details (land line, mobile, email);
 - (e) economic sector.

12 Identification information: non-individual

The following is identification information for a reportee who is not an individual -

- (a) trading name;
- (b) type of entity or association;
- (c) business licence number (if applicable);
- (d) if the reportee is a company, registered name and company registration number;
- (e) if the reportee is an overseas company, the address of its overseas registered office;
- (f) address at which the business of the reportee is carried on (or, if carried on at more than 1 place, address of the principal place of business);
- (g) contact details (landline, mobile, email);

- (h) tax identification number;
- (i) economic sector.

13 Credit application information

The following is credit application information -

- (a) type and amount of credit applied for;
- (b) capacity of the reportee (such as applicant, joint applicant or guarantor);
- (c) date of the application;
- (d) details of the credit provider;
- (e) the credit provider's client reference number for the reportee in question.

14 Credit account information

- (1) Credit account information is information that relates to the operation of a credit account following acceptance of an application for credit.
- (2) The following is credit account information -
 - (a) type of credit account;
 - (b) amount of credit extended;
 - (c) capacity of the reportee (such as account holder, joint account holder or guarantor);
 - (d) status of the account as open or closed;
 - (e) date of opening the account;
 - (f) if the account is closed, date of closure;
 - (g) repayment history (both positive and negative);
 - (h) details of the credit provider;
 - (i) the credit provider's client reference number.

15 Credit default information

- (1) Credit default information is information that relates to a default by a reportee in the operation of a credit account.
- (2) The following is credit default information -
 - (a) capacity of the reportee as either debtor or guarantor;
 - (b) date or dates of default;
 - (c) date or dates of notices given by the credit provider to the reportee;
 - (d) type of credit;

- (e) amount in default;
- (f) total amount owing;
- (g) status of the default including details of any referral to a debt collector and any payment, part payment, scheme of arrangement or write-off subsequent to the default;
- (h) details of any debt repayment order or other civil judgment obtained by the LRE against the reportee to enforce payment;
- (i) adjudication of the reportee as a bankrupt on the application of the LRE;
- (j) any proceeding by the LRE for the liquidation of the reportee;
- (k) subject to any requirement of confidentiality, details of any final settlement of the amount of the default.

16 How LRE must report credit information

- (1) An LRE must report credit information -
 - (a) in the prescribed form and according to the prescribed procedure or, if none is prescribed, in the form and according to the procedure approved by the Reserve Bank; and
 - (b) at the prescribed reporting intervals or, if none is prescribed, at the reporting intervals approved by the Reserve Bank.
- (2) For the purposes of subsection (1), the form and procedure for reporting may include on-line or electronic reporting.

17 Verification of credit information

An LRE must take reasonable steps to ensure that the credit information that it reports to the Reserve Bank is, at the date of reporting, accurate, up to date, complete and not misleading.

18 LRE must disclose obligation to report credit information

- (1) Before processing a credit application or entering into a credit agreement, an LRE must disclose in writing its obligation to report credit information under this Act.
- (2) In the case of a credit application, an LRE must disclose the obligation to the applicant.
- (3) In the case of a credit agreement, an LRE must disclose the obligation to each debtor or other person liable under the agreement.
- (4) Disclosure must be made in the prescribed form and according to the prescribed procedure or, if none is prescribed, in the form and according to the procedure approved by the Reserve Bank.

19 LRE may report historical credit information

- (1) On the application of any person, an LRE may report the historical credit information held by that LRE in respect of the person.
- (2) The consent of the applicant required by section 9(2) is presumed.
- (3) “**Historical credit information**” means credit information in respect of a person arising before the commencement of this Act.
- (4) Sections 16 and 17 apply with any necessary modifications to the reporting of historical credit information.

PART 4 – OPERATION OF REGISTER**20 Form of register**

- (1) Subject to subsection (2), the Reserve Bank may keep the register in any form that it thinks fit, including in digital form, whether in whole or in part.
- (2) Regulations may be made prescribing the form in which the register must be kept.

21 Retention of credit information

- (1) The Reserve Bank may retain information on the register for the periods set out in subsection (2) but must otherwise remove information at the expiry of those periods.
- (2) The periods of permissible retention are -
 - (a) identification information, 7 years from the date of the credit application;
 - (b) credit application information, 7 years from the date of the credit application;
 - (c) credit account information, 7 years from the date of closure of the account;
 - (d) credit default information relating to default by the debtor, 7 years from the date of default;
 - (e) credit default information relating to default by a guarantor, 7 years from the date of notification of the debtor’s default to the guarantor;
 - (f) debt repayment order or other civil judgment, 7 years from the date of the order or judgment;
 - (g) bankruptcy, 7 years from the date of discharge;
 - (h) previous enquiry record, 7 years from the date of the credit application;
 - (i) linking information, 7 years from the date of the credit application;

- (j) credit scores and other analyses (if any) produced or obtained by the Reserve Bank, 7 years from the date of the credit application.
- (3) The Reserve Bank must not be liable for the retention of information in breach of this section and no proceeding for a breach of this section may be brought against the Reserve Bank or any of its officers, employees, consultants or contractors.
- (4) Nothing in subsection (3) affects standing to bring a proceeding for the removal of information from the register.

22 Reserve Bank may amend register

- (1) The Reserve Bank may amend the register if it is satisfied on reasonable grounds that the credit information in question is incorrect, incomplete, out of date or misleading.
- (2) The Reserve Bank may amend the register -
 - (a) on its own initiative;
 - (b) on the application of the LRE that reported the information; or
 - (c) on the application of any reportee to whom the information relates.
- (3) An application for amendment must be -
 - (a) in the approved form;
 - (b) accompanied by the information or documents required by the form;
 - (c) accompanied by the prescribed fee, if any; and
 - (d) filed with the Reserve Bank.
- (4) On receipt of notice by the Reserve Bank of the amendment of the register, the LRE that reported the original credit information must without delay amend its own records to align with the register as amended under this section.

23 Reserve Bank must give notice of intention or application to amend register

- (1) If the Reserve Bank intends to amend on its own initiative, it must notify its intention to -
 - (a) reportees to whom the credit information relates; and
 - (b) the LRE that reported the information.
- (2) The notice must specify a period (which must not be less than 10 working days from the date of the notice) for reportees and LRE to file with the Reserve Bank any submission or information relevant to the proposed amendment.
- (3) After receiving and taking into consideration any submission or information filed under subsection (2), if any, the Reserve Bank must without delay -

- (a) conclude the process by amending the register or deciding against amendment; and
 - (b) notify reportees and LRE of the amendment or the decision against amendment.
- (4) The Reserve Bank must note on the register, in respect of an application to amend that has not been determined, that the information in question is subject to an application to amend.

24 Reserve Bank may include historical credit information in register

- (1) The Reserve Bank may, at its discretion, include historical credit information reported to it under section 19 or under this section.
- (2) If the Reserve Bank includes historical credit information reported to it under section 19, it must without delay notify each LRE other than the reporting LRE of the inclusion.
- (3) An LRE notified under subsection (2) must report all credit information, including historical credit information, that it holds in respect of the reportee that it has not previously reported.
- (4) For the purposes of reporting under subsection (3) -
 - (a) the consent of the reportee required under section 9(2) is presumed; and
 - (b) sections 16 and 17 apply with any necessary modifications.

25 No presumption of validity of information

The recording of credit information on the register does not affect, or create a presumption as to, the correctness, accuracy, genuineness or completeness of the information.

PART 5 – ACCESS TO REGISTER

26 Who may access credit information

In accordance with this Part, the following persons may obtain access to credit information held on the register -

- (a) a credit provider (which includes an LRE);
- (b) a reportee;
- (c) any person with the consent of a reportee;
- (d) any other person or class of person prescribed by regulations and subject to any conditions of access prescribed by those regulations.

27 Application for access

- (1) A person may obtain access to credit information held on the register if -
 - (a) access to the information by that person is permitted under this Part;
 - (b) the person has applied in accordance with subsection (2); and
 - (c) in the case of a credit provider, the Reserve Bank is satisfied that the credit provider will use the information for a permitted purpose only.
- (2) An application for access must be -
 - (a) in the approved form;
 - (b) accompanied by the information or documents required by the form;
 - (c) accompanied by the prescribed fee, if any; and
 - (d) filed with the Reserve Bank.
- (3) In subsection (1)(c), “**permitted purpose**” means a purpose set out in section 28(2).

28 Access by credit provider

- (1) A credit provider may apply for access to credit information relating to any of the following -
 - (a) a reportee who is currently applying to the credit provider for the provision of credit;
 - (b) a reportee to whom the credit provider is currently providing credit;
 - (c) a reportee who has given a current guarantee or indemnity securing a credit agreement with the credit provider;
 - (d) any other reportee with the consent of the reportee obtained and filed in accordance with section 30.
- (2) A credit provider must not use credit information obtained under subsection (1) except for 1 or more of the following purposes -
 - (a) verifying information provided in or in connection with a credit application;
 - (b) evaluating any risk arising from providing or extending credit to a reportee;
 - (c) evaluating any risk arising from taking a guarantee or indemnity from a reportee;
 - (d) evaluating any risk arising from any changes to the nature or term of a credit agreement;
 - (e) evaluating any risk arising from any changes to the nature or term of a guarantee or indemnity securing a credit agreement;

- (f) monitoring any failure to comply with an obligation under a credit agreement or guarantee or indemnity securing a credit agreement that has not been corrected;
- (g) evaluating whether to make any proposal or arrangement with respect to the debts of a reportee who has requested that the evaluation be made;
- (h) analysing the nature of the credit provider's portfolio of credit agreements.

29 Access by reportee

A reportee may apply to obtain access to credit information held on the register relating to the reportee.

30 Access with reportee's consent

A person who is not the reportee may apply to obtain credit information held on the register relating to the reportee if -

- (a) the reportee consents to the application; and
- (b) the applicant files the reportee's consent in the approved form with the application.

31 Record of access

- (1) A credit provider must keep for 7 years a record of each occasion on which the credit provider has obtained access to credit information held on the register under section 28.
- (2) The Reserve Bank must keep for 7 years a record of each occasion on which access has been given to credit information held on the register in response to an application under this Part.

PART 6 – ENFORCEMENT

32 Administrative penalties

The Reserve Bank may impose an administrative penalty under this Act on a person who -

- (a) fails to report credit information as required by or under this Act;
- (b) fails to take reasonable steps to verify credit information as required by section 17;

- (c) reports credit information required by this Act to be reported knowing it to be false or misleading in a material particular;
- (d) breaches the duty of confidentiality under section 48.

33 Amount of administrative penalty

The Reserve Bank may impose an administrative penalty under section 32 in the amount that the Reserve Bank determines subject to the following maximum amounts

-

- (a) for a single breach, a penalty not exceeding \$5,000;
- (b) for a continuing breach, a further penalty not exceeding \$1,000 for each day that the breach continues.

34 Procedure for imposing administrative penalty

- (1) The Reserve Bank must give written notice to the person on whom it imposes an administrative penalty.
- (2) The notice must specify details of the breach for which the penalty is imposed, the amount of the penalty, the date for payment of the penalty, and the right of the person to object under section 35.
- (3) The Reserve Bank may issue such directives as may be required from time to time for supplementing the procedure for imposing and administering administrative penalties.

35 Objection to penalty

- (1) A person on whom the Reserve Bank has imposed an administrative penalty under section 30 may object to the imposition of the penalty by submitting, within 14 days after receiving notice of the penalty, a written statement to the Reserve Bank setting out the grounds of the objection.
- (2) The Reserve Bank, after considering the objection, may confirm, vary or rescind the penalty.

36 Offence of reporting false or misleading information

A person who reports credit information required by this Act to be reported knowing it to be false or misleading in a material particular commits an offence and is liable on conviction -

- (a) if the offender is a person, to a fine not exceeding \$20,000 or 5 years imprisonment or both; or

- (b) if the offender is a company or other incorporated body, to a fine not exceeding \$100,000.

37 Offence of false or misleading application for access

A person who provides information as part of or in relation to an application under section 27 (Application for access) knowing it to be false or misleading in a material particular commits an offence and is liable on conviction -

- (a) if the offender is a person, to a fine not exceeding \$20,000 or 5 years imprisonment or both; or
- (b) if the offender is a company or other incorporated body, to a fine not exceeding \$100,000.

38 Offence of breach of permitted purpose

A person who contravenes section 28(2) (Access by credit provider) commits an offence and is liable on conviction -

- (a) if the offender is a person, to a fine not exceeding \$20,000 or 5 years imprisonment or both; or
- (b) if the offender is a company or other incorporated body, to a fine not exceeding \$100,000.

39 Offence committed by body of persons

If an offence under section 36, 37 or 38 is committed by a body of persons, whether corporate or unincorporated, a person who, at the time of the commission of the offence, acted in an official capacity for or on behalf of that body of persons, whether as a director, manager, secretary or other similar officer, or was purporting to act in that capacity, is guilty of that offence unless the person adduces evidence to show that the offence was committed without the person's knowledge, consent or connivance.

PART 7 – ADMINISTRATION

40 National credit register committee

- (1) The Reserve Bank may appoint a national credit register committee with the function of advising the Reserve Bank as to -
 - (a) the regulation and oversight of the register;
 - (b) operational or technical standards for the reporting of credit information; and

- (c) any other matters affecting the administration and operation of the register or the reporting of credit information.
- (2) Members of the committee must be appointed by the Reserve Bank after first being approved by the board of the Reserve Bank.
- (3) The Reserve Bank must determine the number, qualifications, term of appointment and remuneration (if any) of the members.
- (4) The Reserve Bank must appoint 1 of the members as the chair of the committee.
- (5) Regulations may be made prescribing the procedure to be followed at meetings of the committee but if no regulations are made the committee may devise its own procedure.

41 Approved forms and procedures

- (1) The Reserve Bank may approve forms and procedures for use under this Act.
- (2) The Reserve Bank must without delay publish its approved forms and procedures on a website to which the public has free access.

42 Regulations

- (1) The Minister may with the consent of Cabinet make regulations for the proper and efficient administration of this Act.
- (2) Without limiting the power in subsection (1), the Minister may with the consent of Cabinet make regulations -
 - (a) amending the Schedule by adding or removing a class of entity or person (see section 6(2));
 - (b) prescribing additional information for a category of credit information (see section 10(2));
 - (c) prescribing the form and the procedure for reporting credit information (see section 16(1)(a));
 - (d) prescribing the intervals for reporting credit information (see section 16(1)(b));
 - (e) prescribing the form and procedure for disclosure by an LRE of its obligation to report credit information (see section 18(2));
 - (f) prescribing the form in which the register must be kept (see section 20(2));
 - (g) prescribing persons or classes of persons as persons entitled to obtain access to credit information held on the register (see section 26(d));
 - (h) prescribing the procedure to be followed at meetings of the national credit register committee (see section 40(5));
 - (i) providing for fees (see section 43); and

- (j) providing for a levy or levies (see section 44).

43 Fees

Regulations may be made -

- (a) prescribing circumstances in which fees are payable under this Act;
- (b) prescribing the amounts, or methods of calculating the amounts, of fees payable under this Act;
- (c) providing for exemptions from the payment of fees; and
- (d) providing for any other matter relating to the payment and collection of fees.

44 Levies

- (1) Regulations may be made prescribing a levy to be paid by credit providers for the purpose of meeting expenses properly incurred by the Reserve Bank in the performance of its functions under this Act.
- (2) Regulations under subsection (1) may in particular provide for -
 - (a) the amount, or method of calculating the amount, of the levy;
 - (b) the period for which, and the dates by which, the levy is to be paid;
 - (c) penalties payable by a credit provider who does not pay the levy on time;
 - (d) the payment, collection and recovery of the levy; and
 - (e) refunds of the levy.
- (3) The Reserve Bank may enter arrangements with any person for the collection of the levy on behalf of the Reserve Bank.
- (4) The amount of any levy payable is recoverable as a debt by proceedings in court of competent jurisdiction by the Reserve Bank or any person with whom the Reserve Bank has entered into an arrangement for the collection of the levy.

45 Information sharing

- (1) Subject to subsection (2), the Reserve Bank may provide a law enforcement or regulatory agency, whether in Tonga or in an overseas jurisdiction, with any information or a copy of a document that the Reserve Bank has obtained under this Act.
- (2) For information sharing under subsection (1), the Reserve Bank must be satisfied that -
 - (a) the information or document may assist the agency in the performance of its functions; and

- (b) there are or will be in place protections for maintaining the confidentiality of information as the Reserve Bank considers appropriate.

46 Liability of Reserve Bank and others

None of the following persons is liable for anything done or omitted to be done in good faith in the performance of a duty or exercise of a function under this Act, and no proceeding may be brought against any of them in respect of the thing so done or omitted to be done –

- (a) the Reserve Bank;
- (b) a director, officer, or employee of the Reserve Bank;
- (c) a consultant or contractor to the Reserve Bank;
- (d) a member of the national credit register committee.

47 Paper copy of information

- (1) A person who is entitled to access credit information under this Act may, on payment of the prescribed fee, require the Reserve Bank to give or certify a paper copy of that information.
- (2) Judicial notice must be taken of the Reserve Bank's signature appearing on a certificate under subsection (1) and of the fact that the signature is that of the Reserve Bank.

48 Duty of confidentiality

- (1) Subject to subsection (2), a person listed below must not disclose to any person any material confidential information acquired in the course of the administration or operation of the register or the reporting of credit information –
 - (a) a director, officer, or employee of the Reserve Bank;
 - (b) a consultant or contractor to the Reserve Bank;
 - (c) a member of the national credit register committee.
- (2) Subsection (1) does not apply to disclosure by a person –
 - (a) for the purpose of his or her duties or the exercise of his or her functions under this Act or the National Reserve Bank of Tonga Act (Cap 102); or
 - (b) when lawfully required to make disclosure by any court or under the provisions of any written law.

Passed by the Legislative Assembly this day of 2026.

SCHEDULE

(Section 6(1))

1. Tonga Development Bank established under the Tonga Development Bank Act 2014.
2. Australia New Zealand Banking Group Limited.
3. MBF Bank Limited.
4. Bank South Pacific (Tonga) Limited.

EXPLANATORY NOTE

(This note does not form part of the Bill, and is intended only to explain its purpose and effect.)

[TO COME]