

## RESOLUTION 3,658

Changes and consolidates the regulations governing the supply of information about credit operations to the Central Bank of Brazil (*Banco Central do Brasil*).

The Central Bank of Brazil, in the manner set forth in Law No. 4,595 of 31 December 1964, makes it public that the National Monetary Council, at a session held on 17 December 2008, bearing in mind the provisions of items V and VI of Article 3, and following the terms of competence as granted by Article 4, items VI and VIII, of the aforementioned Law, as well as Article 7 of Law No. 6,099 of 12 September 1974, and Article 1, Paragraph 1, item XIII, and Paragraph 3, item I, of Complementary Law No. 105, of 10 January 2001, and also considering the provisions of Article 103 of Law No. 5,764 of 16 December 1971,

HAS DECIDED THE FOLLOWING:

Article 1: The regulations governing the supply of information about credit operations to the Central Bank of Brazil is hereby changed and consolidated, according to the terms of this Resolution.

Article 2: The Credit Information System (SCR – *Sistema de Informações de Créditos*), implemented as a replacement for the Credit Risk Center (CRC – *Central de Risco de Crédito*) mentioned in Resolutions No. 2,724 of 31 May 2000 and 2,798 of 30 November 2000, with the additional information sent to the Brazilian Central Bank, in the form of regulations by them enacted, has the following purposes:

- I. to provide information to the Central Bank of Brazil, for the purpose of supervision of the credit risk to which the institutions as mentioned in Article 4 are exposed; and
- II. to promote the exchange of information between the institutions mentioned in Article 4, regarding the total volume of debts and client responsibilities in credit operations.

Article 3: For purposes in registration on the SCR, the following debts and responsibilities are considered as being credit operations:

- I. loans and financing;
- II. advances;
- III. mercantile leasing operations;
- IV. joint obligations and guarantees offered;
- V. credit commitments which are not unconditionally and unilaterally cancelable by the institutions as mentioned in Article 4;
- VI. operations written off as losses and credits taken out with funds still to be cleared;
- VII. any other operations that involve credit risk, including those that have been the object of negotiations with significant retaining of risk and benefits or control, according to Resolution No. 3,533 of 31 January 2008.

Article 4: The following institutions shall send the Brazilian Central Bank information about credit operations:

- I. the nurturing agencies (*agências de fomento*);

- II. associations for savings and loans;
- III. commercial banks;
- IV. foreign exchange banks;
- V. development banks;
- VI. investment banks;
- VII. multiple banks;
- VIII. Government savings banks (*caixas econômicas*);
- IX. credit co-operatives;
- X. mortgage companies;
- XI. deeds and securities brokerage societies;
- XII. deeds and securities distribution societies;
- XIII. mercantile leasing societies;
- XIV. societies for providing credit to small businesses and microbusinesses;
- XV. societies for credit, financing and investment;
- XVI. building societies (*sociedades de crédito imobiliário*);
- XVII. the National Bank for Social and Economic Development (BNDES – *Banco Nacional de Desenvolvimento Econômico*).

Sole Paragraph: The terms of this Article shall also apply to institutions that are under extrajudicial liquidation, under intervention, or otherwise under a special and temporary administration regime.

Article 5: The institutions mentioned in Article 4 above are required to send to the SCR all information about credit operations which may have been the object of negotiations without significant retention of risks and benefits or control, according to Resolution No. 3,533 of 2008, with:

- I. controlled companies, not mentioned in Article 4, which have had their financial statements duly consolidated in the terms of Resolution No. 2,723 of 31 May 2000, with the wording as given by Resolution No. 2,743 of 28 June 2000; and
- II. investment funds managed by the institutions themselves or by the companies listed in the previous item.

Article 6: For the purpose of the terms set forth in item I of Article 2, the institutions mentioned in Article 4 shall send to the SCR information about any credit operations conducted by the companies mentioned in item I of the previous Article.

Sole Paragraph: The provisions of this Article shall not apply to credit rights resulting from mercantile sales or service provision over time.

Article 7: For the purposes of the provisions set out in item II of Article 2, the Brazilian Central Bank is hereby authorized to:

- I. make available, to the institutions mentioned in Article 4, the consolidated information about clients' credit operations, provided specific authorization for this purpose has been obtained, in the terms of item I of Article 8;
- II. make information about their credit operations with institutions mentioned in Article 4 available to the clients; and
- III. forward to the institutions mentioned in Article 4 any judicial decisions about credit operations and also expressions of disagreement on the part of clients, so they may be registered with the SCR.

Article 8: For the purposes of the provisions of item II of Article 2, the institutions mentioned in Article 4 shall:

- I. obtain specific authorization from the client, requiring proof, for consultation of the information given on the SCR;
- II. inform the client in advance about the entry of the client's data on the SCR, unless the client has given authorization for such registration;
- III. identify operations defaulting over a period of not less than sixty (60) months, on the base date for sending the data to the Brazilian Central Bank, in the form established by this latter Party;
- IV. keep the document mentioned in item I for a period of five years, as from the date of the last consultation, when no credit operations have been made with the client;
- V. keep the documents mentioned in items I and II for a period of five (5) years, as from the date of the last information supplied to the Brazilian Central Bank, when a credit operation is made with the Client.

Sole Paragraph: The authorizations and communications mentioned in items I and II shall also contain the information listed in Article 10 below.

Article 9: The information sent for the purposes of entry on the SCR shall be the exclusive responsibility of the institutions mentioned in Article 4, and this shall also be with regard to inclusions, corrections, exclusions, *sub-judice* markings and also recording of Court measures and expressions of disagreement as aired by the Contracting Parties.

Article 10: For the provisions of item II of Article 2, the Brazilian Central Bank and the institutions mentioned in Article 4 shall disclose, on their premises, in an easily accessible location with full visibility, as also through their pages on the World Wide Web (Internet), information about the SCR, in easily understandable language, including at least the following aspects:

- a) purpose and use of the information on the system;
- b) ways of consulting the information on the system;
- c) procedures that are necessary for the correction, exclusion and recording of judicial measures and also for the expression of disagreement with the information on the system; and

- d) advice of the fact that the consultation of any information on the system shall depend on the prior authorization from the client operating with credit operations.

Article 11: For purposes of SCR consultations, the authorizations for consultation granted by clients, as also the registration of judicial measures, on the CRC shall remain valid.

Article 12: The Brazilian Central bank is hereby authorized to enact complementary regulations for the compliance with this Resolution, as also to take any further measures that may be necessary for the implementation thereof, and may even establish:

- I. a schedule and value caps for registration of credit operations at the SCR; and
- II. a schedule for the start of sending this information to the SCR, by the institutions mentioned in Article 4 above.

Article 13: This Resolution shall take effect on the date of its publication, and shall have legal effects as from 1 March 2009, on which date Resolutions No. 2,724 and No.2,798, both enacted in 2000, shall be repealed.

Sole Paragraph: The references and also the grounds for validity of the repealed resolutions, which are part of published regulations, shall now have this Resolution as the reference.

Brasília, 17 December 2008.

Henrique de Campos Meirelles

President