

# **GUIDE LINES ON FINANCIAL CUSTOMER PROTECTION FRAME WORK**

## **1. DISCLOSURE AND TRANSPARENCY**

**(Responsibility – Product Development Committee / Credit Committee / and Heads of Departments / Branch Managers to ensure compliance with their supporting staff members of all grades)**

1.1. Customers shall be given complete, clear, concise, accurate and not misleading information about financial products/services. The information provided shall be available in languages preferred by the customers, i.e., Sinhala, Tamil and English.

### **1.2. Key Information about the Product/Service**

#### **1.2.1. Advertisements Stage \_**

- a) All advertisements made in any form, shall be accurate, understandable and contain factual information on products/services offered in view of not misleading the customers. and shall also provide clarification on any advertisements published on request.
- b) Further, we should comply with the general and product-specific advertising regulation and guidelines issued by the Central Bank of Sri Lanka from time to time.

#### **1.2.2. Pre-contractual Stage**

- a) Our company shall have a standardized document in the form of "Key Facts Document" in either printed or electronic form for its products/services written in simple language, which shall be available to the prospective customers and shall be displayed in the corporate website.
- b) This document shall contain the following basic information with regard to loan products:
  - i. Key features of the product/service including the nature of the product, interest rates, penalties, other charges and fees and commissions.
  - ii. Procedures to be followed to obtain the product/service.
  - iii. Main terms and conditions.
  - iv. Applicable legal provisions related to the product/service.
  - v. Complaint handling procedure.
- c), **Deposit Products:**
  - i. Financial and other benefits to customers including any incentives and promotions.
  - ii. The minimum balance requirements, account opening fee, account maintenance fees, account closure fees and the availability of the deposit insurance coverage.
  - iii. Any restrictions on opening of accounts, closing of accounts, transfer of funds by customers and policies and procedures on dormant accounts and abandoned properties.

- d) Prospective customers shall not be forced to enter into a contract and shall be allowed a reasonable period to make an informed decision about the product/service

### 1.2.3. Contractual Stage

- a) You shall disclose the information on products / services as required by the relevant Acts / Directions, where applicable.
- b) You shall clearly explain to the customer of the terms and conditions and features of the products/services covering the following:
  - i. The details of the general charges such as interest rates, fees and commissions, if any, required to be paid by the customer including the method of computing interest charges.
  - ii. The procedure for receiving complaints and the resolution mechanism.
  - iii. The course of recovery actions our company follow in the event of any default by the customer on his/her obligations and expenses of the our company that will be reimbursed from the customer.
  - iv. Any restrictions on opening of accounts, closing of accounts, maintenance of accounts (e.g. minimum balance), transfer of funds by customers and policies and procedures on dormant accounts and abandoned property.
  - v. Penalties and early settlement charges to be paid by the relevant customer in case of pre-mature withdrawal/termination of participation in a product/service by the customers.
  - vi. The rules regarding, reporting of suspicious transactions and above-the threshold transactions to the Financial Intelligence Unit.
  - vii. The reporting procedures that the customer shall follow in the case of stolen cards/financial instruments and liability of our company and the customer.
  - viii. The disclosure of customer information to a party legally authorized to obtain such information.
- a. For loan products, every customer shall be provided with an "**Offer Letter/product statement**" and shall, at minimum, contain the following basic information;
  - i. Name of the borrower.
  - ii. Contract Number. (Loan reference No.)
  - iii. Amount granted.
  - iv. Date granted and the period of the loan.
  - v. Rate of interest and its basis. (Nominal or Effective) vi. Repayment terms and frequency of the instalment. (Daily, weekly, monthly or any other basis) vii. Details of the security offered.
  - vi. Breakdown of the additional charges such as insurance, valuation, documentation, registration, etc. (if applicable) ix. Penal rate (per annum) in the event of delayed payment.
  - vii. The recovery procedure in the event of default of the customer. (repossession of assets, the costs involved in the process, procedure after repossession, the other charges applicable, etc.) xi. The conditions applicable for early settlement of loans.
  - viii. In the case of micro finance loans, the recovery procedure such as the days and the time that the field officer visits the group members and the details of the collection centers should be specified. If the initial collection schedule changes due to natural disasters and unforeseen events, customers should be informed accordingly.

- e. With regard to Deposit Products, you shall disclose required information stipulated in the relevant Acts/ Directions where applicable. A periodic statement shall be sent to customers either in printed form or electronic form opted by them regarding transactions and balances in their savings deposit accounts **other than passbook savings accounts**. With the assistance of Information Technology department

#### 1.2.4. Upon Request

A product statement shall be provided for loan products upon request and shall cover the following information;

- i. Detailed transactional information for the reporting period. (e.g. itemized credits and debits to the customer account
- ii. Effective interest rate and the interest charge for the period.
- iii. Fees charged for the period.
- iv. Due date and the outstanding balance.

1.2.5. A written confirmation shall be obtained from the customer that the details of the products/services and their terms and conditions were received, explained and understood.

1.2.6. All the documents pertaining to the product/service shall be duly completed and signed by the customer. **Accepting incomplete documents and obtaining signatures on blank papers/documents is prohibited.**

1.2.7. Any changes made by to the agreed terms and conditions on products/services shall be informed to the customers before the changes are made.

### 1.3. General Disclosures (Head of Compliance to ensure Compliance with supporting staff)

a. The information displayed in the Business Places of our company shall include the following;

- i. Finance Business License issued by Central Bank of Sri Lanka.
- ii. Set of latest audited financial statements of our company.
- iii. Credit rating of our company with underlying specifications.
- iv. Key contact details of person handling customer complaints as per Section 4.1 of the guideline.
- v. The contact details of the Financial Ombudsman.
- vi. Business hours and holiday notices.

b. Including the above, following information shall be displayed in the corporate website;

- i. Current interest rates on all deposit and investment products.
- ii. Current base interest rates and other charges on loan products. (wherever possible)
- iii. Buying and selling rates of foreign currencies. (if applicable) iv. Disclosure requirement under Section I .2.2(a).

## 2. CUSTOMER EDUCATION AND AWARENESS (Responsibility – Corporate Management through the Heads of Departments and appropriate Management Committees)

### 2.1. Deliver Effective Financial Education Programs

- a) We should shall develop specific financial literacy programs to improve the customer awareness on financial products/services. Financial education programs should be designed to meet the needs and financial literacy of the target audience.

- b) Financial education tools might include printed brochures, flyers, posters, training videos, (e.g. money management, debt management, saving) interactive loan calculators, key messages (e.g. protect your money, know your product, read and understand terms and conditions, check your statements, pay your loan instalment on time. understand fees and charges, safeguard your personal identification numbers)
- c) You should educate the customers on the applicable legal provisions related to the product/service, e.g. Finance Business Act, Finance Leasing Act, Mortgage Act, Pawning Ordinance, etc.

## **2.2. Promote Financial Discipline**

Financial education and information provision should be enhanced to deepen the capability and the financial knowledge of the customer, especially for the vulnerable groups. Customers shall be provided with the specific warnings related to over indebtedness, consequences of multiple borrowing and late repayments, etc.

## **3. RESPONSIBLE BUSINESS CONDUCT (Responsibility- Management Committees, Heads of Departments/ Branch Managers and Supporting staff)**

3.1. Knowing the Customer and Suitability: our company and appointed agents shall have the necessary resources and procedures in place for safeguarding the best interests of the customers and to cater the product to meet the appropriate financial and non-financial needs of the customer.

- a) Know the Customer: gather and record sufficient information prior to recommending, offering or providing appropriate product/service to the customer. The level of information gathered shall be appropriate to the nature of the complexity of product/service being sought by the customer.
- b) Assess the Suitability: whether product/service meet the customer's needs and objectives and customer is financially able to bear the risk associated with the product/service.

### **c. Prevention of Over-Indebtedness**

- i. When offering a new credit product or service the customer's credit worthiness should be properly assessed and conduct appropriate customer repayment capacity analysis to ensure that customer is likely to meet the financial obligation associated with the product.
- ii. Board and Senior management of our company shall be aware and concerned about the risk of over-indebtedness of the customer. A maximum Debt service/income Ratio (i.e. a maximum percentage of customer's disposable income that can be applied to service debt) should be identified.
- iii. You shall limit in providing new loans to settle the existing loan facilities given by another financial institution in order to prevent the over exposure beyond the existing credit worthiness of the customer.
- iv. You should use credit risk management systems that support prevention of over indebtedness such as Credit Information Bureau (CRIB).

### **3.2. Personal Visits and Contacts with Customers (Responsibly, Branch Managers, Head of Departments and supporting staff).**

Employees or appointed agents shall;

- a. visit the customer by giving reasonable notice and such visits shall be made during the daytime;
- b. maintain separate record of the visit including the purpose, date and time of the visit and the customer's response in brief, and

c. when making a telephone contact with the existing or prospective customer, the person shall identify himself or herself by name, name of our company on whose behalf customer is contacted and the commercial purpose of the contact.

3.3 Heads of Departments and Branch Managers should monitor the conduct of employees and appointed agents, who directly interact with the customers to prevent inappropriate business conduct and unreasonable risk taking.

3.4 Employees of the company and appointed agents (especially those who interact directly with customers such as credit officers, recovery officers, marketing officers, complaint handling officers, customer service representatives) shall be properly trained and qualified.

**3.5. Remuneration Policy (Responsibility - Corporate Management through the Human resources department and supporting staff)**

a. Board approved remuneration policy shall be designed for employees and appointed agents, those who interact directly with customers to encourage responsible business conduct and to discourage unreasonable risk taking.

b. Employees shall be given sales targets which are realistic and shall be within the personal capacity of such employees.

c. Ensure that employees and appointed agents are not remunerated solely on sales performance but include factors such as customer satisfaction, loan repayment performance, customer retention, compliance with regulatory requirements/best practices guidelines and codes of conduct which are related to best interests of the customers.

**3.6. Responsibility of the Employees and Agents appointed by our company (Responsibility Heads of Departments, Branch Managers and supporting staff)**

The employees and appointed agents shall avoid the following practices:

a. Harassing customers.

b. Using abusive debt collection practices.

c. Disclosing customer information to others.

d. Giving false or misleading information about products/services.

e. Unduly influence customers or the general public to buy or get involved in our company products/services.

f. Signing security documents outside the office premises. However, if a situation arises that the agreement has to be signed outside the business place of the company due to reasonable circumstances, an authorized officer must be present

**3.7. Compensation from withdrawal/cancellation of products/services**

In the event you seek to withdraw/terminate a product/service already in operation, especially deposit products, customers have the right to receive a reasonable time with an exit mechanism and compensation scheme and if necessary such withdrawal/termination shall be disclosed in advance.

**3.8. Levying Penal Rates**

Policy on penal interest shall be governed by fairness, incentive to service the debt and due regard to genuine difficulties of customers.

#### **4. COMPLAINT HANDLING AND REDRESS (Responsibility - Policy and procedure manual circulated to be followed by all staff)**

##### **4.1. Internal Complaint Handling Mechanism**

- a) We have a Complaint Handling Policy to address the grievances and complaints of its customer, which cover the following;
- b) Customer is encouraged to seek recourse through the intimal complaints handling process of the company before opting for external support.
- c) An officer is assigned in each business place, with the responsibility of handling and facilitating the resolution of complaints lodged by customers. If it is unresolved it is the responsibility of such officer/s to escalate it to the next decision-making authority until it is resolved.
- d) Maintain a database to record all customer complaints and assign an officer in charge of the database. Such officer is responsible to report unresolved customer complaints periodically to the senior management of the company. Senior management should take prompt corrective action on the unresolved matters.
- e) Provision at the business place to direct customer to the officer assigned to resolve such complaints.
- f) Customer complaints forwarded by regulatory authorities are to be directed to relevant decision-making authority.
- g) Provision to acknowledge the receipt of any complaint in writing within a reasonably short period of time and inform the complainant of the procedure that will be followed by our company for the resolution of the complaint and the contact details of the officer/officers handling the complaint. (For this purpose, company can have a suitably worded printed form).
- h) Facilitate receiving complaints verbally or in writing and our company shall not insist that complaints be necessarily made only in writing.
- i) At any point of the complaint handling process, customers should not be treated unjustly.

#### **5. EQUITABLE, AND FAIR TREATMENT OF CUSTOMERS (Responsibility - all staff)**

##### **5.1. Equitable and Fair Treatment**

All customers shall be treated equitably and fairly at all stages of their relationship with us irrespective of their cast, religion, language, gender, age, etc.

##### **5.2. Special attention and Care**

The customers such as elderly, disabled or customers with low financial literacy have the right to receive special attention to facilitate them to have a fair access to financial services.

#### **6. PROTECTION OF CUSTOMER DATA AND PRIVACY (Responsibility – All staff)**

##### **6.1. Protection of Personal Data**

As required by the Section 61 of the Finance Business Act No. 42 of 2011. you shall take necessary steps to protect customer data and privacy in line with the provisions of the Act.

##### **6.2. CRIB Reporting System and Data Sharing**

##### **(Responsibility Brach Managers and Supporting Staff)**

Customers shall be appropriately/fully informed regarding the sharing of personal data related to them with CRIB and the exact purpose and conditions of collection, processing and distribution of data held about them and on the related confidentiality rules adopted.