



**KINGDOM OF CAMBODIA**  
NATION RELIGION KING

**NATIONAL BANK OF CAMBODIA**

Number B7 017 299 Prokor

**Unofficial Translation**

**PRAKAS**  
**ON**  
**RESOLUTION OF CONSUMER COMPLAINTS**

**The Governor of the National Bank of Cambodia**

- With reference to the Constitution of the Kingdom of Cambodia;
- With reference to the Royal Decree NS/RKT/0515/417 of May 11, 2015 on the reappointment of His Excellency Chea Chanto as Governor General of the National Bank of Cambodia, equivalent to Senior Minister;
- With reference to the Royal Kram NS/RKM/0196/27 of January 26, 1996 promulgating the Law on Organization and Conduct of the National Bank of Cambodia;
- With reference to the Royal Kram NS/RKM/1206/036 of December 29, 2006 promulgating the Law on the Amendment of Article 14 and 57 of the Law on Organization and Conduct of the National Bank of Cambodia;
- With reference to the Royal Kram NS/RKM/1199/13 of November 18, 1999 promulgating the Law on Banking and Financial Institutions;
- With reference to Prakas No B8-98-385 Prokor dated July 20, 1998 on Organizational Structure of the National Bank of Cambodia and functions-duties of all departments of the National Bank of Cambodia;
- With reference to Prakas No B1-010-194 Prokor dated November 26, 2010 on the amendment of Article 3, Article 4, Article 5, Article 12 and Article 13 of Prakas on Organizational Structure of the National Bank of Cambodia and functions-duties of all departments of the National Bank of Cambodia;
- Pursuant to the recommendation made by the National Bank of Cambodia Management meeting on September 15, 2017.

**Decides**  
**Chapter 1**  
**General Provisions**

**Article 1.-**

The purpose of this Prakas is to set up the mechanism to resolve the complaints lodged by consumers of the banking and financial institutions, hereinafter referred to as "Institution".

**Article 2.-**

This Prakas aims at improving consumer protection in order to protect the rights and the benefit of consumers using institution's product and services through a proper and effective complaint resolution.

**Article 3.-**

This Prakas is applicable to the institutions, under the National Bank of Cambodia's (NBC) supervisory authority.

**Article 4.-**

For the purpose of this Prakas, the following terms are defined as follow:

- **Consumer:** refers to any natural person that is seeking a product or service from an institution or has an existing consumer relationship with an institution.
- **Complaint:** refers to consumer's expression of dissatisfaction with a product or service offered or provided by the institution.
- **Senior Consumer Relation Officer:** refers to a senior manager of an institution appointed by the board of directors in order to manage the Consumer Complaint Management Framework of the institution.

**Article 5.-**

The Institution is required to receive and solve each complaint lodged by consumer and/or representative including the complaints forwarded by the NBC.

A consumer must file a complaint within 60 (sixty) days after the consumer is aware of the problem on which the complaint is based on. The complaints may be lodged in writing and/or verbally.

The Institution shall not impose any restriction that would discourage consumers from or limit their rights to lodge their complaints including imposing cost to the consumer on filling, processing, and disposing the complaint.

**Chapter 2**  
**Consumer Complaint Management Framework**

**Article 6.-**

The Institution shall establish a Consumer Complaint Management Framework (CCMF) that at a minimum includes:

1. A position of Senior Consumer Relation Officer (SCRO) responsible for the implementation of the institution's CCMF;
2. The written policies and procedures that are clear, complete, and accessible for the institution's staffs;
3. The policies and procedures for:
  - a. establishing the consumer complaint process in the institution;
  - b. keeping the consumer's complaint information confidential;
  - c. keeping the record of consumer complaint in secure manner for at least 3 (three) years; and
  - d. preparing the training programs for management and staff involving in CCMF
4. Centralizing the monitoring and supervision of the CCMF;
5. The regular report to the senior management on the complaint management and resolution;
6. A code of conduct on reporting, avoidance and management of any complaints related to conflict of interest;
7. Clear roles, responsibilities and delegations of authorities of the members of the board of directors, the management, and the staff in the CCMF; and
8. The procedures for carrying out an annual review and reporting to the board of directors on the performance of the Consumer Complaint Management Framework including timeliness of the resolution process, level of consumer satisfaction, and the results of the consumer referrals of the complaints made to the NBC.

**Article 7.-**

The board of directors of the institution shall be responsible for ensuring the effective implementation of CCFM referred to in Article 6. For the purpose of this Prakas, at the minimum, the board's responsibilities are included:

1. Approve and ensure the effective implementation of the CCFM;
2. Define the role, responsibility, and the delegation of authority to the SCRO;
3. Provide the resource for proper training on a regular and continuous basis for management and staff regarding its CCFM; and
4. Undertake an annual review on the effectiveness and the result of the implementation of its CCFM.

**Article 8.-**

The Institution is required to establish a Complaint Management Unit which is led by SCRO to receive and solve consumer complaints. At the minimum, the Unit shall be responsible for:



1. The coordination of the receipt and solution of complaints in accordance with the Institution's policies and procedures;
2. The monitoring and supervision of the performance of the CCMF;
3. The compliance with this Prakas and all required reporting requirements to the NBC; and
4. The regular reporting about complaints to the senior management and the board of directors.

The SCRO and any staff assigned to handle the complaints shall disclose to the Senior Management about any conflict of interest with the complainants or with the subject of the complaints.

The Institution shall send the name and contact information of the SCRO to the NBC. In case of changing the SCRO, the Institutions shall notify the NBC immediately.

### **Chapter 3**

#### **Complaint Resolution**

#### **Article 9.-**

A complaints lodged verbally shall be resolved within 2 (two) working days. If a Complaint lodged verbally cannot be resolved by the Institution within this timeframe, the Institution shall request the Consumer and/or Representative to lodge the Complaint in writing.

When the consumer does not wish to pursue the complaint as a written complaint, the Institution must maintain a record of the consumers' expression of dissatisfaction. The record shall prescribe in detail about the date, the issue, and the outcome of the dispute resolution. The NBC may request for the record when necessary.

The Institution shall document the complaint on behalf of the consumer and file the complaint through its consumer complaint management process when the consumer wants to file a written complaint but he or she is not able to do it for any reason. The Institution shall provide a copy of the complaint document to the consumer.

For the complaint in writing, the Institution must comply with the following time limits for completing each step of the complaint handling process:

#### Step 1:

The Institution shall issue a Complaint receipt to the Consumer and/or Consumer Representative once the complaint is received. The complaint receipt must include at a minimum:

- Registration number
- Date of receiving the complaint
- Name of the consumer and/or the representative
- Name and telephone number of the Institution's staff who received the complaints and
- Brief description of the complaint

The complaint receipt shall be signed by the Institution's staff who received the complaints.

Step 2:

The Institution shall complete the fact finding process on the complaint within a maximum of 30 (thirty) calendar days after the date of issuing complaint receipt. The Institutions shall notify the consumer in writing about the result of the complaints resolution with clear reasons.

Step 3:

If a complaint involves significant financial, systemic or legal issues, the Institution must refer the matter to experts for opinions and to the senior management or the board of directors for the final decision.

Any decision and reasons on the disposition of the complaint, which has not been issued within 30 (thirty) calendar days, must be reported to the NBC in the next quarterly report. The report shall explain about the delay and the anticipated date for issuing the decision and reasons. In this case, the Institution must inform the consumer about any delay in the complaint management process and the reasons for the delay.

## **Chapter 4**

### **Reporting Requirements**

**Article 10.-**

The Institution is required to submit quarterly report on Complaint management and resolution to the NBC no later the 15<sup>th</sup> day of the first month of the next reporting period. The report shall include the following information:

- The number of complaints received
- Complaints which have been resolved during the reporting period
- Products and services the complaints related to
- Systemic problems
- Average time taken to resolve the complaints
- Actions taken to lower the number of the most frequent or systematically important complaints and
- Complaints which are in the process of resolution in the reporting period.

**Article 11.-**

The Institution shall maintain a record of each complaint in database for at least 3 (three) years starting from the date when the complaint was resolved as stated in the Article 13 and 14 of this Prakas. The content of the database for each complaint shall comply with the minimum requirements established in the Annex of this Prakas.



## **Chapter 5**

### **Disclosure**

#### **Article 12.-**

The Institution shall publicly disclose the documents on the:

- Complaint management process, which shall be easy to understand, and shall specify a clear timeframe for resolving the complaints both in Khmer and English at its retail locations providing products and services,
- Complaint management process on its website by clearly displaying the ICON / LINK to be downloadable by the consumer and
- Information leaflets which must clearly include the Hotline phone numbers, email address and address of the locations receiving complaints.

## **Chapter 6**

### **Disposition and Review by the NBC**

#### **Article 13.-**

When a consumer decides to withdraw a complaint, the Institution must document the withdrawal in its quarterly report to the NBC along with the reason of the withdrawal.

When the consumer accepts the Institution's decision on the complaint, which includes restitution and/or refund, the Institution must fulfill the obligation within 5 (five) working days after the date of the decision.

In case the Institution's decision includes the requirement for corrective actions, the Institution must perform the corrective actions by the date as specified in the decision.

When the complaint is completely resolved, the Institutions shall perform the corrective actions on the reasons of complaints in general.

#### **Article 14.-**

If a consumer disagrees with the Institution's decision, the consumer and/or the Institution, may request the NBC to conduct a formal review on the process and decision on the complaint within 30 (thirty) calendar days after receiving the decision.

The consumer and/or the Institution must send its appeal in writing to the Unit responsible for receiving the consumer's complaint at the NBC by attaching a copy of the complaint and the Institution's decision. The consumer's appeal shall state the reason of the appeal and the reason why the consumer rejected the Institution's decision.

Upon receiving a consumer and/or Institution's appeal, the NBC shall review the consumer complaint and the result of complaint resolution from the Institution. Upon completing its review, the NBC may issue a recommendation for settlement. Where the NBC has not been able to resolve the complaint, the NBC will advise in writing about the rights of the party to refer the matter to the courts or arbitration.

## **Chapter 7**

### **Sanctions**

#### **Article 15.-**

Any Institution failing to comply with this Prakas, shall be penalized according to Article 52 of the Law on Banking and Financial Institutions.

#### **Article 16.-**

In addition to the above disciplinary sanction, the NBC shall impose transactional sanctions as follow:

1. Any Institutions failing to comply with the provision of Article 10 of this Prakas shall be liable to transactional sanction of KHR 1,000,000 (one million riels) per day of the delay.
2. Any Institutions failing to comply with this Prakas shall be liable to transactional sanction of KHR 3,000,000 (three million riels) per day counting from the date the NBC required the Institution to take corrective action.

## **Chapter 8**

### **Final Provisions**

#### **Article 17.-**

The General Secretary, the General Director of Banking Supervision, the General Director of Central Banking, the General Cashier, the General Inspector, Directors of all relevant Departments in the National Bank of Cambodia, and all Banking and Financial Institutions under the National Bank of Cambodia's supervisory authority shall strictly implement this Prakas.

#### **Article 18.-**

This Prakas shall take effect from the signing date.

Phnom Penh, September 27, 2017

**The Governor**

Signed and Sealed: **Chea Chanto**

To:

- As stated in article 17 "for implementation"
- Files - archives

Cc:

- All members of the Board of Directors
- Council of Minister  
"for information"
- Administrative Department of CM  
"for publication in the National Gazette"

<b>RECORDING OF COMPLAINTS</b>	
<b>Complaint Information</b>	<p><b><u>Collection of Complaint</u></b></p> <ol style="list-style-type: none"> <li>1. Registration number</li> <li>2. Name of the Complainant</li> <li>3. Contact Information</li> <li>4. Has the Institution's staffs informed the consumer about the information related to the complaint process? (Yes/No)</li> <li>5. Data entry about the key processing dates: <ol style="list-style-type: none"> <li>a. the date of receiving complaint</li> <li>b. the date of issuing complaint receipt</li> <li>c. the completion date of the fact finding process</li> <li>d. the date when the Institution has informed the consumer about the decision on the complaint</li> </ol> </li> <li>6. Brief description of the complaint</li> <li>7. Name and position of the officer responsible for managing the complaint</li> <li>8. Did the Institution determine the complaint was valid? (Yes/No)</li> <li>9. Disposition of the complaint: <ol style="list-style-type: none"> <li>a. the complaint was withdrawn and resolved</li> <li>b. the complaint was withdrawn but not resolved</li> <li>c. the complaint was resolved to the satisfaction of the complainant</li> <li>d. the complaint was resolved but not to the satisfaction of the complainant</li> </ol> </li> <li>10. Was the complaint reported in the quarterly report to the NBC? (Yes/No)</li> </ol>
<b>Method of Filing the Complaint</b>	<p><b><u>How and where was the complaint filed?</u></b></p> <ol style="list-style-type: none"> <li>1. Identify the branch and other locations where the consumer made the complaint.</li> <li>2. Method of the complaint: <ol style="list-style-type: none"> <li>a. verbal communication with the Institution's staff through: <ul style="list-style-type: none"> <li>– phone</li> <li>– in person</li> </ul> </li> </ol> </li> </ol>



	<ul style="list-style-type: none"> <li>b. electronic <ul style="list-style-type: none"> <li>– e-mail</li> <li>– website</li> <li>– text message</li> <li>– fax</li> </ul> </li> <li>c. letter</li> </ul>
<p style="text-align: center;"><b>Subject of Complaint</b></p>	<p><b><u>Identify the problem that is being complained about:</u></b></p> <ol style="list-style-type: none"> <li>1. Accounting error (describe the error)</li> <li>2. Delay in completing the transaction <ol style="list-style-type: none"> <li>a. Loan processing</li> <li>b. Issuance of cheque</li> <li>c. Deposit</li> <li>d. Account correction</li> <li>e. Money transfer</li> <li>f. Issuance of receipt / monthly statement</li> </ol> </li> <li>3. Timing of disclosure – not given before transaction</li> <li>4. Lack of accurate disclosure <ol style="list-style-type: none"> <li>a. Fees</li> <li>b. Conditions of the contract</li> <li>c. Interest rate/method of calculation</li> </ol> </li> <li>5. Misleading information</li> <li>6. Abusive collection practices</li> <li>7. Interest calculations (savings and loans)</li> <li>8. Fraud</li> <li>9. Quality of services from staff</li> <li>10. Abuse</li> <li>11. Breach of consumer confidentiality</li> <li>12. Sales practices <ol style="list-style-type: none"> <li>a. Intimidation</li> <li>b. Unauthorized</li> <li>c. Misleading</li> </ol> </li> <li>13. Not properly informed about the bank policies and procedures</li> <li>14. Others (please specify)</li> </ol>

<b>Type of Product/Service Being Complained About</b>	<b><u>Type of Products/Services :</u></b> <ol style="list-style-type: none"><li>1. Personal loan</li><li>2. Small business related loan</li><li>3. Financial lease</li><li>4. Payment card</li><li>5. Credit card</li><li>6. Saving account</li><li>7. Current account</li><li>8. Remittance</li><li>9. Investment</li><li>10. Mobile banking transaction</li><li>11. Other (please specify)</li></ol>
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