

#Don'tLetThemCallYouDelinquent: How to get removed from the delinquent list



ASUFIN: FINANCIAL DEBT ADVICE

What is a delinquent list?

There are files that collect data on unpaid debt, so that entities/people can see the solvency of those with whom they contract or give financing.

Examples: ASBEF, EXPERIAN

Requirements

Confirmed debt, due, payable and unpaid.

Not older than 5 years..

That the payment of the debt has been required in a reliable manner (a request/debt).

That the inclusion in the file has been communicated, both by the creditor in the request for payment and by the person responsible for the file, in a reliable manner.

In the next 30 days, data is blocked.

How do i know I´m in a file?

- They demand a debt payment from me and notify me of the inclusion.
- I am going to ask for a loan/ buy something with financing and I am denied because I am included in the list.
- I consult the file, exercising my rightsconsultation/rectification/limitation/ opposition.

Different situations

If I owe that amount, can I be removed from the file?

If the legal requirements have not been met, I have the right to request my exclusion from the file.

If I don't think I owe it, what am I entitled to?

You have the right to be excluded from the file, to compensation for moral damage and if they have denied me a loan or am charged more for it, for patrimonial damages.

Procedure

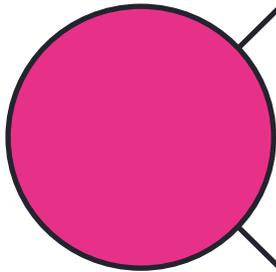
Exercise the right of rectification

Requirement to the creditor

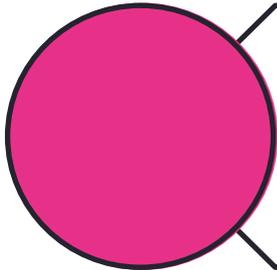
Lawsuit and legal proceedings

Possible appeal

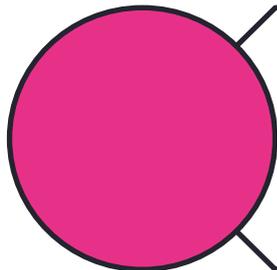
Examples



STS 21.6.2018 specifies 6.000 euros in case of single registration with 11 consultations by various consulting entities.



STS 20.2.2019 grants 3.000 euros valuing inclusion in two files more than a year with several consultations.



STS 2.2.2022 specifies 5.000 euros taking into consideration registration in two files for a period of 8 to 13 months, with 19 consultations and necessary intervention by the Courts.

THANK YOU!

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