



PUBLIC NOTICE

Confidentiality obligations under the Banking Act

21 October 2019

It has come to the notice of the Bank of Mauritius (the 'Bank') that alleged personal information pertaining to bank customers has been published in newspapers and online platforms.

The Bank wishes to draw the attention of members of the press and the public in general to the express provisions of Section 64(1A) and (1B) of the Banking Act set out hereunder:

64. Confidentiality

(1A) Any person –

- (a) *to whom any information pertaining to a customer or financial institution is disclosed and who knows or has reasonable grounds to believe, at the time of the disclosure, that the information was disclosed to him in contravention of this section;*
- (b) *who is in possession of information relating to the affairs of a customer or financial institution without just or reasonable grounds or in contravention of this section; or*
- (c) *who publishes, in any form whatsoever, any information relating to the affairs of a customer or financial institution without the express written consent of the customer or financial institution or in contravention of this section,*

shall commit an offence and shall, on conviction, be liable –

- (i) *in the case of an individual, to a fine not exceeding 500,000 rupees and to imprisonment for a term not exceeding 3 years; or*
- (ii) *in any other case, to a fine not exceeding one million rupees.*

(1B) *Where a person is prosecuted for an offence under subsection (1A) (a) or (b), it shall be a defence for the person to prove that –*

- (a) *the disclosure was made without his consent;*
- (b) *where the disclosure was made in a written form, he, as soon as practicable, surrendered or took all reasonable steps to surrender the information and all copies thereof to the central bank; and*
- (c) *where the disclosure was made in an electronic form, he, as soon as practicable, took all reasonable steps to ensure that all electronic copies of the information were deleted and that the information and all copies thereof in other forms were surrendered to the central bank.*