

# PCNO Attestation of Compliance - Acquirer

## *Code of Conduct for the Credit and Debit Card Industry in Canada*

### Introduction

Acquirers (Participants) must abide by the *Code of Conduct for the Credit and Debit Card Industry in Canada* (Code) and applicable Market Conduct Obligations (MCO). MCOs include, but are not limited to, the current versions of the FCAC's Guidelines, Supervision Framework, Mandatory Reporting Guide and Compliance Bulletins.

This Attestation of Compliance (AOC) must be completed by all Participants and their downstream participants. Downstream participants may include, but are not limited to, Payment Service Providers (PSPs), Independent Sales Organizations (ISOs) and/or other service providers such as terminal leasing firms. Participants must ensure that all entities for which the Participant is responsible, including entities that interact directly or indirectly with merchants or cardholders on behalf of the Participant, abide by the Code. Participant understands that when completing this AOC, it is completing on behalf of its organization as well its downstream participants.

The accountability of reviewing and addressing any issues included in a downstream participant's AOC is with each Participant. Each Participant is ultimately responsible and accountable for their respective downstream participant's non-compliance.

Unless otherwise defined here, all capitalized terms have the meanings given them in the Code and/or MCOs.

### Market Conduct Obligations

[Code of Conduct](#)

[FCAC Supervision Framework](#)

[FCAC Guidelines](#)

[Mandatory Reporting Guide](#)

[Compliance Bulletins](#)

### Confidentiality

If there is an issue or item that is specific to one Payment Card Network Operator (Amex Bank of Canada, Discover Financial Services (Canada) Inc., Interac Corp., Mastercard International Incorporated, UnionPay International and Visa Canada Corporation) (each, a PCNO) that does not apply to the other PCNOs, then Participants are required to complete and submit a separate AOC and Schedule A (if applicable) to such PCNO (e.g. an instance of non-compliance relating to a specific PCNO or an issue relating to a PCNO-specific product).

Should a PCNO require further information, it will contact the Code Compliance Point of Contact, identified below, directly.

### Instructions

#### Due Date

##### January 31 of each year

If January 31 falls on a Saturday or Sunday, completed AOCs are due the Friday before January 31 or other date as may be specified by PCNOs.

#### Reporting Period

##### January 1 to December 31 (inclusive)

The AOC must attest to Participant and its downstream participant Code compliance for the preceding calendar year.

#### Obligations

Participants with downstream participants are required to:

1. distribute an AOC and Schedule A to each of its downstream participants for completion;
  - a. retain copies of each of its downstream participants' completed AOC and Schedule A (if applicable);
2. complete an AOC and Schedule A inclusive of your downstream participants (if applicable) and submit to respective PCNO(s) by the due date; and
3. ensure its AOC, and downstream participant AOCs, are signed by an authorized officer of the entity responsible for completing the AOC.

If there are no confirmed instances of non-compliance, Participants are not required to submit supporting documentation and/or evidence of compliance with each AOC, however, Participants are attesting that supporting documentation and/or evidence has been retained and that it will be provided to PCNOs upon request.

### Confirmed Non-Compliance

Participants must report any instance of non-compliance inclusive of their downstream participants, if applicable. As such, the AOC must include any instance of non-compliance and identify which entity is responsible for the non-compliance including relevant details within Schedule A and supporting documentation (if applicable).

If non-compliance is with one or more downstream participant(s), Participants must:

- submit a copy of that downstream participant's AOC and Schedule A to respective PCNO(s);
- ensure instances of non-compliance are either remedied and/or an action plan to address the issue has been initiated/created; and
- determine if the non-compliance meets the criteria of a [Reportable Compliance Issue](#) (RCI) and report the issue(s) to respective PCNOs.

## Section 1. Participant Profile

**Participant Name (Legal Name):** \_\_\_\_\_

**Payment Card Network(s) offered (select all Networks offered. If submitting separate AOC, select specific Network for that AOC only):**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Amex Bank of Canada                       | <input type="checkbox"/> Interac Corp.                 | <input type="checkbox"/> UnionPay International  |
| <input type="checkbox"/> Discover Financial Services (Canada) Inc. | <input type="checkbox"/> Mastercard International Inc. | <input type="checkbox"/> Visa Canada Corporation |

**Participant Compliance Point(s) of Contact for the Code:**

**Name (s):** \_\_\_\_\_

**Title(s)/Position(s):** \_\_\_\_\_

**Email(s):** \_\_\_\_\_

## Section 2. Participant Policies and Procedures

Participant confirms that Code Policies and Procedures (P&P) are in effect. ☐ Yes ☐ No

**If yes, select all P&Ps that apply:**

- |  |   |
|--|---|
| <input type="checkbox"/> Roles & Responsibilities                        | <input type="checkbox"/> Complaint Handling Process |
| <input type="checkbox"/> Compliance Investigations                       | <input type="checkbox"/> Express Consent            |
| <input type="checkbox"/> Risk Assessments                                | <input type="checkbox"/> Reporting Obligations      |
| <input type="checkbox"/> Pricing Changes and Notifications               | <input type="checkbox"/> Monitoring and Controls    |
| <input type="checkbox"/> Employee and/or Downstream Participant Training |   |

**In addition to the above, if yes, select frequency of review:**

- |  |  |
|--|--|
| <input type="checkbox"/> Annually                            | <input type="checkbox"/> Semi-Annually |
| <input type="checkbox"/> Following Regulatory MCO amendments | <input type="checkbox"/> Other:        |

**If no, please provide explanation/rationale.**

### Section 3. Participant Training

#### Training Completed by Employees

Participant confirms that Code training (including applicable P&Ps and supporting controls) is in place for all applicable employees that are subject to the Code. ☐ Yes ☐ No

If yes, select training audience. Either select "All Employees" or all other categories that apply:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> All Employees    | <input type="checkbox"/> Client/Account Managers | <input type="checkbox"/> Compliance Staff        |
| <input type="checkbox"/> Technology Staff | <input type="checkbox"/> Operational Staff       | <input type="checkbox"/> Customer Service Agents |
| <input type="checkbox"/> Frontline Staff  | <input type="checkbox"/> Sales Agents            | <input type="checkbox"/> Other (e.g. Marketing): |

In addition to the above, if yes, select training frequency (select all that apply):

- |                                   |                                    |  |
|-----------------------------------|------------------------------------|--|
| <input type="checkbox"/> Annually | <input type="checkbox"/> New hires | <input type="checkbox"/> As required (e.g. coaching) |
| <input type="checkbox"/> Other:   |                                    |  |

If no, please provide explanation/rationale.

#### Training Completed for All Downstream Participants

Participant confirms that Code training (including applicable P&Ps and supporting controls) is provided either by Participant or Downstream Participant. ☐ Yes ☐ No ☐ N/A

If yes, select training audience. Either select "All Downstream Participants" or all other categories that apply:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> All Downstream Participants | <input type="checkbox"/> Sales Agents             | <input type="checkbox"/> Referral Agents |
| <input type="checkbox"/> Processors                  | <input type="checkbox"/> Terminal Lease Providers | <input type="checkbox"/> ISOs            |
| <input type="checkbox"/> Other:                      |   |  |

In addition to the above, if yes, select training frequency (select all that apply):

- |                                   |                                    |  |
|-----------------------------------|------------------------------------|--|
| <input type="checkbox"/> Annually | <input type="checkbox"/> New hires | <input type="checkbox"/> As required (e.g. coaching) |
| <input type="checkbox"/> Other:   |                                    |  |

If no or N/A, please provide explanation/rationale.

### Section 4. Participant Mandatory Reporting

#### Semi-annual aggregate complaint reports

Participant confirms that semi-annual aggregate complaint reports are correct, complete and were submitted on time. ☐ Yes ☐ No

If no, please provide explanation/rationale.

#### RCIs

RCI(s) identified during the Reporting Period. ☐ Yes ☐ No

If yes, select all that apply:

- ☐ Participated in and cooperated with PCNOs on all RCI investigations.
- ☐ All issues that meet the RCI definition have been reported to each applicable PCNO and
  - ☐ All RCIs have been reported within the required timelines.
  - ☐ All RCI remediation activities are in progress or have been completed.

## Section 5. Participant Code Attestation

### Instructions:

If the requirement does not apply to your organization, select 'N/A' and provide rationale under the 'Rationale for 'N/A' column.

If the requirement does apply to your organization, and your organization and all downstream participants are in compliance with the requirement, select the 'Meets Requirement' column.

If any applicable requirement to your organization, and/or downstream participant(s), is not met, select the appropriate option under the 'Does Not Meet Requirement' column to indicate if the non-compliance is by your organization or by your downstream participant(s) (i.e. select the 'Acquirer' column if your organization is not in compliance and/or select the 'Downstream Participant(s)' column if your downstream participant(s) is/are not in compliance, and enter the downstream participant's name in the "Enter text." fillable field):

- If your organization is not in compliance:
  - provide all relevant details within Schedule A; and
  - confirm if the non-compliance meets the RCI definition under 'RCI' column.
- If your downstream participant(s) is/are not in compliance:
  - provide downstream participant AOC as part of your submission;
  - provide all relevant details within Schedule A; and
  - confirm if the non-compliance meets the RCI definition under 'RCI' column.

### Policy Element 1

Requirement	N/A	Rationale for 'N/A'	Meets Requirement	Does Not Meet Requirement				
				Acquirer	Downstream Participant(s)	RCI		
						Yes	No	
a) Merchant-acquirer agreements and monthly statements include a sufficient level of detail and are easy to understand.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
b) All merchant-acquirer agreements include an information summary box and a fee disclosure box.  <a href="#">CG-15 Information summary box examples—Credit and debit card code</a>  <a href="#">CG-16 Fee disclosure box—Credit and debit card code</a>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
c) All other fees (e.g. monthly minimums, administration fees, etc.) that are charged are disclosed to the merchant.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

d) **Merchant statements include the following information:**

i. Effective merchant discount rate for each type of payment card from a payment card network that the merchant accepts;	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
ii. Interchange rates and, if applicable, all other rates charged to the merchants by the acquirer;	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
iii. The number and volume of transactions for each type of payment transaction;	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
iv. The total amount of fees applicable to each rate; and	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
v. Details of each fee and to which payment card network they relate.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

### Policy Element 2

Requirement	N/A	Rationale for 'N/A'	Meets Requirement	Does Not Meet Requirement				
				Acquirer	Downstream Participant(s)	RCI		
						Yes	No	
a) Merchants receive a minimum of 90 days' notice of any fee increases or the introduction of a new fee related to any credit or debit card transactions.  <a href="#">CG-7 Ninety days' notice of fee increases or the introduction of a new fee</a>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
b) Merchants receive a minimum of 90 days' notice of any reduction in applicable interchange rates.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
c) The notice to merchants describes the nature of the fee change and the change is clearly identifiable on the merchant's subsequent monthly statement.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
d) An updated fee disclosure box reflecting the impact, is provided to a merchant upon written request, following a new fee or fee increase.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

### Policy Element 3

Requirement	N/A	Rationale for 'N/A'	Meets Requirement	Does Not Meet Requirement				
				Acquirer	Downstream Participant(s)	RCI		
						Yes	No	

a) Merchants are allowed to opt-out of their contracts without penalty, within 90 days of receiving notification of a fee increase or the introduction of a new fee.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
b) Merchants are allowed to exit their contracts without penalty, within 90 days of receiving notification of a reduction in applicable interchange rates not passed on to merchants.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
c) A merchant's right to exit their contract without penalty includes relief from the application of any penalties on all related service contracts (e.g. terminal lessors, third-party processors) brokered by the acquirer and/or its registered agents, processors or other agents.  <a href="#">CG-10 Increased disclosure and cancellation of contracts without penalty</a>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
d) If a merchant cancels their contract within 90 days of receiving notification of a fee increase or the introduction of a new fee, or a reduction in applicable interchange rates not passed on to the merchants, the merchant is also provided relief from the application of any penalties on all related service contracts (e.g. terminal lessors, third-party processors) brokered by the acquirer and/or its registered agents, processors or other agents.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

#### Policy Element 4

Requirement	N/A	Rationale for 'N/A'	Meets Requirement	Does Not Meet Requirement				
				Acquirer	Downstream Participant(s)	RCI		
						Yes	No	
Merchants can choose to accept only credit or debit payments from a network without having to accept both.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

#### Policy Element 5

Requirement	N/A	Rationale for 'N/A'	Meets Requirement	Does Not Meet Requirement				
				Acquirer	Downstream Participant(s)	RCI		
						Yes	No	
a) Merchants are allowed to provide discounts for different methods of payment (e.g. cash, debit card, credit card).	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
b) Merchants are allowed to provide differential discounts among different payment card networks.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

### Policy Element 10

Requirement	N/A	Rationale for 'N/A'	Meets Requirement	Does Not Meet Requirement			RCI	
				Acquirer	Downstream Participant(s)		RCI	
							Yes	No
If payment card networks introduce new products or services, merchants are not obligated to accept those products or services. Merchants have provided express consent to accept new products or services.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

### Policy Element 11

Requirement	N/A	Rationale for 'N/A'	Meets Requirement	Does Not Meet Requirement				
				Acquirer	Downstream Participant(s)	RCI		
						Yes	No	
a) Merchants can choose to accept contactless payments at point-of-sale.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
b) Merchants are not required to upgrade point-of-sale terminals to enable contactless payments.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
c) Should fees set by a payment card network in respect of contactless payments made from a mobile wallet or mobile device increase relative to card-based contactless payments, merchants may cancel contactless payments made from a mobile wallet or mobile device at the point-of-sale without disabling other forms of contactless payment acceptance.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

d) Merchants are only required to provide 30 days' notice to their acquirer (or applicable registered agent) to opt out of accepting contactless payments made from a mobile wallet or mobile device.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
e) Merchants that choose to accept contactless payments at the point-of-sale shall be able to cancel the contactless acceptance on their terminal, with thirty days' notice, while maintaining all other aspects of their existing contract without penalty.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

### Policy Element 12

Requirement	N/A	Rationale for 'N/A'	Meets Requirement	Does Not Meet Requirement				
				Acquirer	Downstream Participant(s)	RCI		
						Yes	No	
a) Merchants can provide notice of non-renewal at any point during the contract or extension period up to ninety days prior to contract expiry.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
b) Fixed-term contracts will not be automatically renewed for the full initial term but may convert to automatically renewable contract extensions of no longer than six months (except for contracts that have been custom negotiated between the parties with benefit of legal counsel).	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
c) Notice of non-renewal also applies to any related service contracts with service providers. In situations where there is a business connection between the participant and the service providers, services are considered related and as a single service package.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>

### Policy Element 13

Requirement	N/A	Rationale for 'N/A'	Meets Requirement	Does Not Meet Requirement		
				Acquirer	Downstream	RCI



					Participant(s)	Yes	No
a) An internal complaints handling process has been established and implemented.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) The complaints handling process adheres to the following standards:							
i. Merchants are provided with a summary of the complaint handling process and it is also prominently posted on our website.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ii. Receipt of the merchant complaint is acknowledged within five business days.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii. All complaints investigated and merchants are provided with substantive response that consists of either: an offer to resolve the complaint or denial of the complaint with reasons.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iv. Merchants are provided with a final decision within 90 days of receiving the merchant complaint, including:	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• A summary of the complaint;	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• The final results of the investigation;	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Explanation of the final decision; and	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Information on how to further escalate a complaint in the event of an unsatisfactory outcome, along with the complaint handling form.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
v. The merchant is informed of the delay, reason for the delay, and the expected response time if a response cannot be provided within 90 days.	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Section 6. B-7 Industry Guidelines

Participant confirms that it is, and has continuously been, in compliance with the B-7 Industry Guidelines.

☐ Yes

☐ No

If no, please provide explanation/rationale.

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## Section 7. General Attestation

The undersigned, duly authorized officer(s) of the Participant, hereby attests that:

- Such duly authorized officer has the authority to bind the participant with their signature below (e.g., officer has been duly elected or appointed by participant's executive leadership).
- All information communicated in this AOC, including any accompanying Schedule A and any downstream participant AOC(s) if applicable, is accurate and complete;
- The AOC encompasses downstream participant(s) compliance, if applicable.
  - All downstream participant AOC(s) (including Schedule A's if applicable) have been reviewed and included as part of Participant AOC;
- Except as identified and explained in Schedule A, the Participant has been in compliance with the Code and applicable MCOs at all times; and
- Supporting documentation/evidence of compliance has been retained and will be provided to PCNOs upon request.

**Participant Name:**

**Authorized Officer(s) Name(s):**

**Title:**

**Email:**

**Signature:**

**Date:**