

# INSURANCE / TAKAFUL DISPUTE INFORMATION TO COMPLAINANT

## 1. PROCEDURE ON LODGING A DISPUTE

Before you lodge a dispute with the Ombudsman for Financial Services (OFS), you must first refer your dispute to the Financial Service Provider (FSP) concerned, who is a Member of the Financial Ombudsman Scheme (FOS) with a view to finding an amicable settlement.

## 2. TIME LIMIT FOR LODGING A DISPUTE

- (1) You may refer your dispute to the OFS:
  - (a) within 6 months from the date of the final decision by the FSP concerned; or
  - (b) after 60 calendar days from the date of your dispute was first referred to the FSP concerned in respect of which no response has been received from that FSP.
- (2) For more information on the type of disputes that can be referred to the OFS, you can refer to the website at [www.ofs.org.my](http://www.ofs.org.my).

## 3. ELIGIBILITY TO LODGE A DISPUTE

### Eligible Complainant

You may bring a dispute to the OFS if you are –

- (1) a financial consumer who uses or has used any financial services or products provided by the FSP –
  - (a) for personal, domestic or household purposes; or
  - (b) in connection with a small business\*.

*\*small business refers to small and medium enterprises (SMEs) as defined in the “Guideline for New SME Definition” issued by SME Corporation Malaysia in October 2013.*
- (2) a financial consumer includes:
  - (a) a person insured under a group policy or a person covered under a group takaful certificate where the premiums or contributions are paid by the person insured or the person covered;
  - (b) a third party who is:
    - (i) an insurance or takaful claimant for motor third party property damage;
    - (ii) a nominee or a beneficiary under a life policy/family takaful certificate or a personal accident policy/takaful certificate, including a beneficiary under a group policy or a group takaful certificate where the premiums or contributions are paid by the person insured or the person covered; and
    - (iii) a person insured under a group policy and his beneficiaries or a person covered under a group takaful certificate and his beneficiaries, where the premiums or the contributions are paid by the Federal and/or State Government and the group policy or the group takaful certificate provides for the person insured or the person covered to deal directly with the FSP in the event of a claim.

### Eligible Disputes

Disputes which are related to direct financial loss falling within the following monetary limits:

- (1) Insurance or takaful claims not exceeding RM250, 000.00; and
- (2) Motor third party property damage claims not exceeding RM10, 000.00.

## 4. DISPUTES OUTSIDE THE SCOPE OF THE FINANCIAL OMBUDSMAN SCHEME

- (1) A dispute that is beyond the monetary limit specified in Schedule 2 of the Terms of Reference (TOR) of the OFS, save where mutually agreed in writing by the OFS, the Eligible Complainant and the FSP in accordance with the TOR;

- (2) A dispute on general pricing, product features, credit or underwriting decisions, or applications to restructure or reschedule a loan or financing which are commercial decisions within the discretion of the FSP;
- (3) A dispute concerning the actuarial standards, tables and principles which the FSP applies to its long term insurance/takaful business (including the method of calculation of surrender values, paid up policy values and the bonus rate applicable to the policy in question) for insurance or takaful claims, except guaranteed payments which are explicitly mentioned in the terms and conditions of the policy;
- (4) A dispute relating to a contract of employment between the FSP and its officers and employees or agency matters concerning the FSP;
- (5) A dispute that has been filed in court or referred to arbitration or has been decided by a court or arbitrator;
- (6) A dispute that is referred to the FOS after more than six months from the date the FSP has provided its final decision;
- (7) A dispute that is time barred under the Limitation Act 1953 or Limitation Ordinance (Sabah) (Cap.72) or Limitation Ordinance (Sarawak) (Cap. 49);
- (8) A dispute that had been previously decided by the OFS (including a dispute decided under the Predecessor Scheme) unless new evidence, which are material facts that could change the earlier decision, is available for the OFS' consideration;
- (9) A dispute on investment performance of a financial product except in relation to non-disclosure of facts or misrepresentation;
- (10) A dispute on capital market services and products offered or marketed by the FSP;
- (11) A dispute that involves more than one Eligible Complainant and has been referred to the FOS without the consent of the other Eligible Complainant, and the OFS is of the view that it would be inappropriate to deal with the dispute without that consent;
- (12) A dispute involving claims arising from a third party bodily injury or death; and
- (13) A dispute relating to the payment of policy moneys under a life policy and personal accident policy or payment of takaful benefits under a family takaful certificate and personal accident takaful certificate made in accordance with the provisions set out in Schedule 10 of the Financial Services Act 2013 and the Islamic Financial Services Act 2013, respectively.

## 5. DISPUTES THAT MAY BE EXCLUDED BY THE OFS

- (1) A dispute that is frivolous, vexatious or lacking in substance; or
- (2) A dispute that relates to or has an element of fraud and is therefore more appropriate to be handled by other relevant law enforcement agencies.

## 6. SUBMISSION OF DOCUMENTS

Please send the duly completed Insurance/Takaful Dispute Form together with other required documents to:

By Post :

The Chief Executive Officer  
Ombudsman for Financial Services  
Level 14, Main Block  
Menara Takaful Malaysia  
No. 4 Jalan Sultan Sulaiman  
50000 Kuala Lumpur

By Walk-In:

Monday to Friday 08.30 – 13.00  
14.00 – 17.30  
(Closed on Saturday, Sunday and Public Holidays)

By Fax : 03-2272 1577

By Email : enquiry@ofs.org.my

**BORANG PERTIKAIAN INSURANS/TAKAFUL  
INSURANCE/TAKAFUL DISPUTE FORM**

**Perhatian/Notice:**

- *Borang ini perlu diisi dengan penuh. Jika perlu bantuan, hubungi kami (03-22722811).  
This form must be fully completed. If you need assistance, please contact us (03-22722811).*
- *Sila tandakan (✓) di mana berkenaan / Please tick (✓) where applicable.*

<b>1. MAKLUMAT PEMEGANG POLISI/PESERTA / POLICYHOLDER/PARTICIPANT'S DETAILS</b>	
<input type="checkbox"/> Individu / <i>Individual</i>	<input type="checkbox"/> Untuk Entiti Perniagaan Kecil / <i>For Small Business Entity:</i> <input type="checkbox"/> Keempunyaan Tunggal / <i>Sole Proprietorship</i> <input type="checkbox"/> Perkongsian / <i>Partnership</i> <input type="checkbox"/> Syarikat / <i>Company</i>
Nama Individu/Entiti Perniagaan Kecil / <i>Name of Individual/Small Business Entity:</i>	
No. K.P. /No. Pasport/No. Pendaftaran Perniagaan atau Syarikat / <i>NRIC No./Passport No./Business or Company Registration No.:</i>	Tarikh Lahir/Tarikh Pendaftaran Perniagaan atau Syarikat / <i>Date of Birth/Business or Company Registration Date:</i>
Pekerjaan/Profesion / <i>Occupation/Profession:</i>	Alamat Surat Menyurat (sertakan poskod) / <i>Correspondence Address (include postcode):</i>
Jantina / <i>Gender:</i> <input type="checkbox"/> Lelaki / <i>Male</i> <input type="checkbox"/> Perempuan / <i>Female</i>	Alamat Surat Menyurat (sertakan poskod) / <i>Correspondence Address (include postcode):</i>
No. Telefon / <i>Telephone No.:</i>  Rumah / <i>House:</i>  Bimbit / <i>Mobile:</i>  Pejabat / <i>Office:</i>	
No. Faks / <i>Fax No.:</i>	
E-Mel / <i>E-Mail:</i>	
Hubungan dengan Penyedia Perkhidmatan Kewangan (PPK) / <i>Relationship with Financial Service Provider (FSP):</i>	
a) <input type="checkbox"/> Pengguna Perkhidmatan Kewangan untuk kegunaan persendirian atau domestik atau isi rumah atau berkaitan dengan perniagaan kecil / <i>Financial Consumer for personal, domestic or household purposes; or in connection with a small business;</i>  atau/or	

b)  Pihak ketiga yang merupakan / *Third parties who are:*

- orang yang menuntut untuk kerosakan harta yang berpunca dari polisi motor insurans atau takaful / *claimant for motor third party property damage;*
- penama atau benefisiari kepada pelanggan PPK / *nominee or beneficiary to the FSP's customer*
- orang yang diinsuranskan dan benefisiari orang yang diinsuranskan di bawah kumpulan insurans atau takaful berkelompok / *person insured or covered and his beneficiary under group insurance/takaful*

**2. MAKLUMAT PIHAK KETIGA/WAKIL PERNIAGAAN KECIL / THIRD PARTY/ SMALL BUSINESS REPRESENTATIVE'S DETAILS**

Nama / <i>Name:</i>	No. K.P. /No. Pasport / <i>NRIC No. /Passport No.:</i>
	Tarikh Lahir / <i>Date of Birth:</i>
	Jantina / <i>Gender:</i> <input type="checkbox"/> Lelaki / <i>Male</i> <input type="checkbox"/> Perempuan / <i>Female</i>
	Pekerjaan/Profesion / <i>Occupation/Profession:</i>
Nama Jawatan (jika bagi pihak Entiti Perniagaan) / <i>Job Title (if on behalf of Business Entity):</i>	
No. Telefon / <i>Telephone No.:</i>	Alamat Surat Menyurat (sertakan poskod) / <i>Correspondence Address (include postcode):</i>
Rumah / <i>House:</i>	
Bimbit / <i>Mobile:</i>	
Pejabat / <i>Office:</i>	No. Faks / <i>Fax No.:</i>

E-Mel / *E-Mail:*

**3. MAKLUMAT PENYEDIA PERKHIDMATAN KEWANGAN / FINANCIAL SERVICE PROVIDER'S DETAILS**

Nama PPK / *Name of FSP:*

Kategori / *Categories:*

<input type="checkbox"/> Syarikat Insurans Berlesen / <i>Licensed Insurance Companies</i>	<input type="checkbox"/> Pengendali Takaful Berlesen / <i>Licensed Takaful Operators</i>
<input type="checkbox"/> Broker Insurans yang Diluluskan / <i>Approved Insurance Brokers</i>	<input type="checkbox"/> Broker Takaful yang Diluluskan / <i>Approved Takaful Brokers</i>
<input type="checkbox"/> Penasihat Kewangan yang Diluluskan / <i>Approved Financial Advisers</i>	<input type="checkbox"/> Penasihat Kewangan Islam yang diluluskan / <i>Approved Islamic Financial Advisers</i>

**4. JENIS POLISI INSURAN/SIJIL TAKAFUL / TYPE OF INSURANCE POLICY/TAKAFUL CERTIFICATE**

- |  |  |
|--|--|
| <input type="checkbox"/> Kecurian / <i>Burglary</i>                                    | <input type="checkbox"/> Motor / <i>Motor</i>                                    |
| <input type="checkbox"/> Kebakaran / <i>Fire</i>                                       | <input type="checkbox"/> Gadai Janji / <i>MRTA</i>                               |
| <input type="checkbox"/> Perjalanan / <i>Travel</i>                                    | <input type="checkbox"/> Kemalangan Diri / <i>Personal Accident</i>              |
| <input type="checkbox"/> Hayat atau Keluarga / <i>Life or Family</i>                   | <input type="checkbox"/> Liabiliti Awam / <i>Public Liability</i>                |
| <input type="checkbox"/> Hospital & Pembedahan / <i>Hospitalisation &amp; Surgical</i> | <input type="checkbox"/> Empunya Rumah/Isi Rumah / <i>Houseowner/Householder</i> |
| <input type="checkbox"/> Lain-lain (sila nyatakan) / <i>Others (please specify):</i>   |  |
- 

**5. BUTIRAN PERTIKAIAN / DISPUTE DETAILS**

- |  |   |
|--|---|
| <input type="checkbox"/> Penolakan Tuntutan / <i>Repudiation of Claim</i>            | <input type="checkbox"/> Tidak Berpuashati dengan Tawaran / <i>Unsatisfactory Offer</i> |
| <input type="checkbox"/> Lain-lain (sila nyatakan) / <i>Others (please specify):</i> |   |
- 

No. Polisi Insuran/Sijil Takaful / *Insurance Policy/Takaful Certificate No.:*No. Rujukan / *Reference No.:*Tarikh Mula Polisi Insuran/Sijil Takaful / *Policy/Certificate Commencement Date:*Tarikh Tamat Polisi Insuran/Sijil Takaful / *Policy/Certificate Expiry Date:*Tarikh Kejadian / *Date of Incident:*Jumlah Diinsurankan/Dilindungi / *Amount Insured/Covered:*

RM \_\_\_\_\_

Jumlah Pertikaian / *Amount Disputed:*

RM \_\_\_\_\_

Matawang lain / *Other Currency:*

\*Nota: Jika jumlah dituntut adalah dalam matawang lain, OFS akan tukar jumlah dituntut dalam Ringgit Malaysia. Kadar tukaran berdasarkan kadar akhir yang dipaparkan di laman web Bank Negara Malaysia ketika tarikh kejadian. / *Note if claim amount is quoted in a foreign currency, OFS will convert the amount claimed in Malaysian Ringgit based on the conversion rate published on Central Bank of Malaysia's website as at the date of loss.*

**6. PENERANGAN MENGENAI PERTIKAIAN / DESCRIPTION OF DISPUTE**

Sila beri penerangan jelas mengenai pertikaian anda. Jika anda memerlukan lebih ruang, sila lampirkan keterangan pertikaian di dalam kertas berasingan. Anda boleh lampirkan dokumen tambahan berkaitan dengan pertikaian anda bersama-sama Borang ini. / *Please provide a clear explanation on your dispute. If more space is required, please attach the description of the dispute on a separate sheet of paper. You may attach additional documents relevant to your dispute together with this Form.*

Pertikaian saya/kami adalah seperti berikut / *My/Our dispute is as follows:*

**7. TINDAKAN YANG DIAMBIL BERKENAAN DENGAN PERTIKAIAN ITU / ACTIONS TAKEN IN RESPECT OF THE DISPUTE**

Sudahkah anda menerima surat/e-mel keputusan muktamad PPK? Jika ya, sila tandakan (✓) dan nyatakan tarikh surat/e-mel keputusan muktamad. Jika tiada, nyatakan tarikh tuntutan bertulis dibuat kepada PPK tersebut. / *Have you received the FSP's final decision letter/email? If yes, please tick (✓) and state the date of the final decision letter/email. If no, please state the date the claim was made in writing to the FSP.*

- Ya / Yes      Tarikh keputusan muktamad / *Date of final decision:* \_\_\_\_\_
- Tidak / No      Tarikh tuntutan kepada PPK / *Date of claim to the FSP:* \_\_\_\_\_

Adakah pertikaian anda telah difailkan di mahkamah atau dirujuk kepada penimbangtara? Jika ya, sila tandakan (✓) dan nyatakan tarikh tindakan difailkan. / *Have your dispute been filed in court or referred to arbitration? If yes, please tick (✓) and state the date the dispute was filed.*

- Ya / Yes      Tarikh / *Date :* \_\_\_\_\_  
No Rujukan / *Reference No :* \_\_\_\_\_
- Tidak / No

<b>8. SALINAN DOKUMEN DILAMPIRKAN / COPY OF DOCUMENTS ATTACHED</b>	
<input type="checkbox"/> Surat/e-mel keputusan muktamad PPK (wajib) / <i>Final decision letter/email from FSP (compulsory)</i> Atau / or  Surat/e-mel tuntutan kepada PPK (sekiranya PPK tidak mengeluarkan keputusan muktamad selepas tempoh 60 hari dari tarikh tuntutan/pertikaian pertama kali dikemukakan) / <i>Claim/Dispute Letter to the FSP (If the FSP has not issued a final decision after 60 calendar days from the date the claim/dispute was first referred) (compulsory)</i>	<input type="checkbox"/> Pengenalan Pemegang Polisi & Pengadu (Kad Pengenalan/Pasport/Sijil SSM) / <i>Policyholder/Participant &amp; Complainant's Identification (Identity Card/Passport/SSM Certificate)</i>  <input type="checkbox"/> Jadual & Polisi Insuran/Jadual & Sijil Takaful / <i>Schedule &amp; Insurance Policy/Schedule &amp; Takaful Certificate</i>  <input type="checkbox"/> Pengesahan bertulis status Perniagaan Kecil / <i>Written confirmation Small Business status</i>  <input type="checkbox"/> Lain-lain (sila nyatakan jika berkaitan) / <i>Others (please specify if relevant)</i>
<input type="checkbox"/> Laporan Perubatan / <i>Medical Report</i>	
<b>9. AKUAN DAN AKU-JANJI / DECLARATION AND UNDERTAKING</b>	
<p>a. <i>Saya/Kami, dengan ini mengaku bahawa, sepanjang pengetahuan saya/kami pertikaian saya/kami bukan perkara yang tertakluk kepada prosiding mahkamah atau penimbangtara. / I/We, hereby declare that, to the best of my/our knowledge my/our complaint is not the subject of court or arbitration proceedings;</i></p> <p>b. <i>Saya/Kami berjanji untuk memaklumkan kepada OFS, sekiranya, selepas permohonan ini dibuat, saya/kami telah membuat tuntutan dengan badan-badan lain, dan/atau memulakan prosiding undang-undang, terhadap Anggota yang berkenaan dan/atau ejennya. / I/We undertake to inform the OFS, if, after this application has been made, I/we have lodged a claim with other bodies, and/or commenced legal proceedings, against the FSP concerned and/or their agents.</i></p>	
<b>10. AKUAN DAN AKU-JANJI BAGI TUJUAN AKTA PERLINDUNGAN PERIBADI 2010 / DECLARATION &amp; UNDERTAKING FOR PURPOSES OF THE PDPA 2010</b>	
<p>a. <i>Saya/Kami bersetuju bahawa data peribadi saya/kami yang telah diberi secara sukarela dalam borang ini adalah untuk tujuan pemprosesan pertikaian saya/kami seperti dinyatakan dalam Terma-Terma Rujukan (TTR) OFS. Maklumat dan data peribadi yang disediakan akan diuruskan oleh atau didedahkan hanya kepada kakitangan OFS atau sebagai mungkin diperlukan oleh mana-mana undang-undang bertulis atau dengan perintah mahkamah. Saya/Kami faham bahawa maklumat yang boleh digunakan untuk tujuan penyelidikan, penilaian dan pendidikan dengan syarat OFS tidak akan menggunakan maklumat dalam cara yang mendedahkan atau mungkin mendedahkan, secara langsung atau tidak langsung, pengenalan saya/kami. / I/We agree that the personal data I/we have voluntarily provided in this form is for the purpose of processing my/our dispute as set out in the OFS' Terms of Reference (TOR). The information and personal data provided will be handled by or revealed only to the personnel of the OFS or as may be required by any written law or by order of a court of law. I/We understand that the information may be used for research, evaluation and educational purposes, provided that the OFS shall not use any information in a manner which reveals, or is likely to reveal, directly or indirectly, my/our identity.</i></p>	

- b. Saya/Kami bersetuju bahawa OFS boleh meminta data peribadi saya/kami dan maklumat berkaitan yang lain dan bahan-bahan dari PPK yang berkenaan, bagi tujuan pemprosesan pertikaian saya/kami seperti yang dinyatakan dalam TTR OFS. Bagi mengelakkan keraguan, ini membentuk persetujuan saya/kami berhubung dengan mana-mana pendedahan data peribadi dan maklumat berkaitan yang lain dan bahan-bahan daripada PPK berkenaan. / *I/We agree that the OFS may request for my/our personal data and other relevant information and materials from the FSP concerned, for the purpose of processing my/our dispute as set out in the OFS' TOR. For the avoidance of doubt, this constitutes my/our consent in respect of any disclosure of personal data and other relevant information and materials from the FSP concerned.*
- c. Saya/Kami sedar bahawa saya/kami mempunyai hak untuk meminta akses dan membuat pembetulan kepada data peribadi yang saya/kami kemukakan dalam borang ini. Permintaan rasmi hendaklah dikemukakan secara bertulis kepada OFS. / *I/We am/are aware that I/we have the right to request access to and make correction of my/our personal data submitted in this form. Formal requests should be submitted in writing to the OFS.*
- d. Saya/Kami bersetuju bahawa saya/kami telah membaca dan memahami syarat-syarat di atas, dan bersetuju untuk pemprosesan pertikaian saya/kami mengikut proses penyelesaian pertikaian yang dinyatakan dalam TTR OFS. Saya/Kami mengesahkan bahawa semua maklumat yang diberikan dalam borang pertikaian ini adalah benar, lengkap dan tepat. / *I/We agree that I/we have read and understood the above terms, and consent to the OFS processing my/our dispute according to the dispute resolution process set out in the OFS' TOR. I/We confirm that all information provided in this dispute form is true, complete and accurate.*

#### 11. TANDATANGAN / SIGNATURE

\_\_\_\_\_  
Pemegang Polisi/Peserta  
*Policyholder/Participant*

\_\_\_\_\_  
Tarikh / Date

\_\_\_\_\_  
Pihak Ketiga/Wakil Peniagaan Kecil  
*Third Party/Small Business Representative*

\_\_\_\_\_  
Tarikh / Date

#### 12. UNTUK PENGADU YANG HADIR DI PEJABAT OFS / FOR WALK-IN COMPLAINANT AT OFS' OFFICE

Diuruskan oleh / *Attended to by:*

\_\_\_\_\_  
(Nama kakitangan OFS / *Name of the OFS staff*)

\_\_\_\_\_  
Tarikh /Date