APPENDIX 3 Customer Due Diligence Form

Customer Due Diligence

Identification and verification of a customer as required under:

- Section 16 of the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (AMLA); and
- Paragraph 14 of the Anti-Money Laundering, Countering Financing of Terrorism, Countering Proliferation Financing and Targeted Financial Sanctions for DNFBPs and NBFIs (AML/CFT/CPF and TFS for DNFBPs and NBFIs) policy document.

Disclaimer:

- *This document is intended for guidance on the implementation of CDD, TFS, CRP and EDD in complying with the AML/CFT/CPF and TFS requirements under the AMLA only. Reporting institutions may develop their own forms or checklists in consideration of the size, nature and complexity of the business operations.*
- *This document does not contain exhaustive advice or information relating to the subject matter nor should it be used as substitute for legal advice.*
- *In the event that the information on Bank Negara Malaysia's official printed documents or any Acts differ from the information contained within this document, the information on such Act and official documents shall prevail and take precedence.*

Date:

1) INDIVIDUAL			
Full Name			
NRIC/Passport No.			
Date of Birth			
Residential Address			
Town			
State			
Postcode		**Country**	
Mailing Address *(if different from the above address)*			
Town			
State			
Postcode		**Country**	
Nationality			
Occupation Type			
Name of Employer/Nature of Business (if self-employed)			
Contact Number (home/office/mobile)			
Purpose of Transaction			

2) For LEGAL PERSON	
Company/Business Name	
Business Registration No.	
Business Type	☐ Sole Proprietorship ☐ Partnership ☐ Limited Liability Partnership ☐ Public Company ☐ Private Limited Company ☐ Trust ☐ Club/Society/Charity ☐ Other:_________________

Country of Incorporation/Registration			
Address of Registered Office (trustee for trust)			
Town			
State			
Postcode		**Country**	
Address of the Principal Place of Business *(If different from above)*			
Town			
State			
Postcode		**Country**	
Principle Business			
Contact No.			
Purpose of Transaction			
Name of Directors(s)/Partner(s)			
Name of Shareholder(s)/Beneficial Owner(s)	Name	Types of shares	Percentage
Name of Beneficial Owners through other means (e.g., Nominee shareholders etc.)	Name	Type of ownership/control/relationship	
Name of Senior Management			

3) For LEGAL ARRANGMENT			
Name			
Registration No.			
Type	☐ Trust ☐ Club/Society/Charity ☐ Others:__________________(please specify)		
Country of Registration			
Address of Registered Office (trustee for trust)			
Town			
State			
Postcode		**Country**	
Address of the Principal Place of activity *(If different from above)*			
Town			
State			
Postcode		**Country**	
Principle activity			
Contact No.			
Purpose of Transaction			
Name of Directors(s)/Partner(s)			
Name		**ID**	**Address**
Settlor			
Trustee			
Protector (if any)			
Beneficiary/class of beneficiary			
Other BO information			

	Relationship with trust:

PERSON TRANSACTING ON BEHALF OF INDIVIDUAL/LEGAL PERSON/LEGAL ARRANGEMENT

Full Name			
NRIC/Passport No.			
Date of Birth			
Address			
Town			
State			
Postcode		**Country**	
Nationality			
Occupation			
Name of Employer/Nature of Business			
Contact Number (home/office/mobile)			

VERIFICATION (For Office Use)	
Individual	Legal Persons/Legal Arrangement
▪ To verify and be satisfied with the identity of the customer or beneficial owner <u>through reliable and independent documentation, electronic data or any other measures</u> that the reporting institution deem necessary, for example: o Identity Card issued by Malaysian government o Employee Identity Card issued by ministries and statutory bodies o Foreign passport or identity card issued by the United Nations o Documents issued by Malaysian government o Biometric identification o Organisation that maintains reliable and independent electronic data to verify customer's identity	▪ To verify the identity of the customer through the following information/documents, for example: o Constitution/Certificate of Incorporation/Partnership o Reliable references to verify the identity of customer; ▪ To verify the identity of directors/shareholders with equity interest of more than twenty five percent/Partners through the following documents, for example, o Sections 58 and 78 Forms as prescribed by the Companies Commission of Malaysia or equivalent documents for Labuan companies or foreign incorporations o Other equivalent documents for other types of legal person o Authorisation for any person to represent the o Letter of authority or directors' resolution.

Targeted Financial Sanctions (TFS)

TFS as required under:

- Section 14(1)(c) of the AMLA;
- Paragraphs 23 and 24 of the AML/CFT/CPF and TFS for DNFBPs and NBFIs policy document; and
- Directive on Implementation of Targeted Financial Sanctions Relating to Proliferation Financing (TFS-PF) under the Strategic Trade Act 2010, Strategic Trade (United Nations Security Council Resolutions) Regulations 2010 and Strategic Trade (Restricted End-Users and Prohibited End-Users) Order 2010.

Screen the name of customer against the MOHA[9] and UNSCR Sanctions List for Terrorism[10] and for Proliferation[11] and Other UN-Sanctions Lists	☐ **Positive** name match	☐ **Negative** name match
If POSITIVE name match: ☐ freeze the customer's funds, other financial assets and economic resources OR block the transaction (where applicable), if existing customer; ☐ reject a potential customer, if the transaction has not commenced; ☐ submit a suspicious transaction report (STR) to Bank Negara Malaysia; and ☐ report to the Financial Intelligence and Enforcement Department, Bank Negara Malaysia and Inspector-General Police using the form attached in Appendix 5A, 5B, 6A or 6B where applicable.		

[9] **MOHA: Ministry of Home Affairs**
http://www.moha.gov.my/index.php/en/maklumat-perkhidmatan/membanteras-pembiayaan-keganasan2/senarai-kementerian-dalam-negeri

[10] **UNSCR: United Nations Security Council Resolutions (Terrorism)**
https://www.un.org/sc/suborg/en/sanctions/1267/aq_sanctions_list; and
https://www.un.org/sc/suborg/en/sanctions/1988/materials

[11] **UNSCR: United Nations Security Council Resolutions (Proliferation of Weapons of Mass Destruction)**
https://www.un.org/sc/suborg/en/sanctions/1718/materials

Customer Risk Profiling (CRP)
CRP as required under paragraph 10 of the AML/CFT/CPF and TFS for DNFBPs and NBFIs policy document.

In profiling the risk of its customers, reporting institutions must consider the following factors:

a) Customer Risk, e.g.

Is the customer or the beneficial owner a foreign or domestic PEP?	☐ Foreign PEP **By default higher ML/TF/PF risks & subject to EDD*
	☐ Domestic PEP
Nationality (resident or non-resident) of the customer/director/partner and shareholder/beneficial owner	☐ Malaysian
	☐ Foreigner
Is the customer/director/partner and shareholder/beneficial owner classified as High Net Worth individual?	☐ Yes
	☐ No
Type of customer	☐ New customer
	☐ Repeating customer
	☐ Occasional/One-Off
Size and structure customer's business?	☐ Large and complex structure
	☐ Small and simple structure
Type of occupation/business	☐ Lower risk occupation/business
	☐ Higher risk occupation/business i.e. cash intensive business/occupation
Is there any adverse remark on the customer/company' background from research via public or commercial database such as Google?	☐ Yes Please state:________________
	☐ No
Other consideration	

b) Geographical Risk, e.g.

What is the country of origin of the customer, location of business, branches, beneficial owner, beneficiaries or related parties? List of higher risk countries is available at: - http://www.fatf-gafi.org	☐ Low risk countries
	☐ Countries having strategic AML/CFT/CPF deficiencies
	☐ Countries subject to a FATF call to apply countermeasures **By default higher ML/TF/PF risk & subject to EDD and countermeasures*
Other consideration	

c) Products/Services Risk, e.g.

Does the product/service offered provide anonymity to the customer?	☐ Yes
	☐ No
Does the product/service offered commensurate with the profile of the customer?	☐ Yes
	☐ No
Does the product/service offered involve complex and unusual transaction?	☐ Yes
	☐ No
Does the customer require nominee services?	☐ Yes
	☐ No
Does the company have nominee shareholder(s) or nominee director(s)? (for nominee service dispensed by lawyers, accountants and company secretaries)	☐ Yes
	☐ No
	☐ Yes

Does the product/service offered involve cross-border transactions?	☐ No
Other consideration	

d) Transaction and Delivery Channel Risk, e.g.

Mode of payment	☐ Bank transfer or cheques
	☐ Physical cash
Delivery Channel	☐ Face-to-face
	☐ Through agent/intermediaries
	☐ Non face-to-face
Other consideration	

Other factors that affect the customer's ML/TF/PF risk rating?

Overall risk assessment:	☐ Low	☐ Medium	☐ High

Enhanced Customer Due Diligence (EDD)
EDD as required under: • Section 16 of the AMLA; and • Paragraph 14 of the AML/CFT/CPF and TFS for DNFBPs and NBFIs policy document. **Circumstances when EDD applies:** • Dealing with foreign PEPs • Dealing with person from higher risk countries • For gatekeepers (lawyers, accountants, company secretaries and trust companies), where nominee services are provided • Dealing with domestic PEPs or customers assessed as having higher ML/TF/PF risks based on customer risk profiling **Note**: For enhanced on-going due diligence, higher frequency of transaction monitoring is required to enable reporting institutions to identify any anomalies.

Individual name of higher risk customer/PEP	
Customer/PEP's role in Legal Person/Legal Arrangement, where relevant	

For higher ML/TF/PF risk customers	
Source of Fund/ Source of Wealth	*In the case of PEPs, both sources must be obtained*
Additional Information on Customer and Beneficial Owner	*E.g. volume of assets and other information from public database, or customer declaration*
For customer subject to EDD – To be approved by Senior Management of the Firm	
Approval	☐ Approved ☐ Not approved Justification: ______________________________ ______________________________
Name of Senior Management	
Position/Designation	
Date	