Model Guidelines for Banks' Anti-Money Laundering and Counter Terrorism Financing Policies and Procedures, and Related Regulations: FAQ for the General Public

Acknowledged by the Financial Supervisory Commission's Letter No. Jin-Guan-Yin-Fa-Zi No. 1100131536 dated February 8, 2021.

#	Corrected Q&A	Current Q&A	Description
1		Q1: What is a "one-time" cash transaction?	No correction is made to this question.
		A1:	
		It refers to cash transactions made by customers with non-associated	
		banks, including cash remittances, currency exchange, and bill payment	
		transactions.	
2	Q2: When customers handle a bank transaction over NT\$500,000	Q2: Starting January 1, 2015, when customers handle a bank transaction	
	(including the equivalent in foreign currency) in cash (cash	over NT\$500,000 (including the equivalent in foreign currency) in	
	remittances, currency exchanges, fee payment, and other one-time	cash (cash remittances, currency exchanges, bill payment, and	since this regulation has been in
	transaction) on behalf of their family members or companies,	· · · · · · · · · · · · · · · · · · ·	III levt amendment is made in
	multiple related cash transactions for an amount more than		accordance with Sub-item 1. Item
	NT\$500,000 (including the equivalent in foreign currency), or an	, , , , , , , , , , , , , , , , , , , ,	1, Subparagraph 7, Article 4 of
	offshore remittance for over NT\$30,000 (including the equivalent		the "Model Guidelines Governing
	in foreign currency), if the transaction is conducted with a non-		5 8
	associated bank of the family member or company, what	1	Combating the Financing of
	supporting documents are needed?	what supporting documents are needed?	Terrorism by the Banking Sector"
	A2:	A2:	(hereinafter referred to "Model Guidelines")
	(1) Personal account: The identification documents or passports of the		Guidennes)
	principal and the agent, and proof of the agency.	principal and the agent, and proof of the agency.	
	(2) Non-personal accounts: Registration certificate or registration		
	document of a corporate entity or NPO customer (such as: the	· · · · · · · · · · · · · · · · · · ·	
	company's establishment or change registration form), Articles of		
	Incorporation, business address, shareholder/investor registry,		
	identity information of the beneficial owners (natural person	· · · · · · · · · · · · · · · · · · ·	
	shareholders/investors or other controllers who hold more than 25%		
	shares or capital of the corporate entity directly or indirectly),		
	identification documents of agents, and proof of agency.	of agents, and proof of agency.	
	(3) The aforementioned proof of agency refers to a power of attorney or		j
	a letter of authorization issued by the principal <u>or</u> trustor.	a letter of authorization issued by the principal or trustor.	
3		Q3: Continuing from Q2, when customers handle a bank transaction	No correction is made to this question.

1

#	Corrected Q&A	Current Q&A	Description
4	Q4: Why do banks sometimes still ask customers to produce their identification documents for a cash transaction (cash remittances, currency exchanges, bill payment, and other one-time transactions) not more than NT\$500,000 (including the equivalent in foreign currency). A4: Financial institutions will also ask customers to produce identification documents for data verification when customers are handling foreign	over NT\$500,000 (including the equivalent in foreign currency) in cash (cash remittances, currency exchanges, bill payment, and other one-time transaction) on behalf of their family members or companies, multiple related cash transactions for an amount more than NT\$500,000 (including the equivalent in foreign currency), if the transaction is conducted with an associated bank of the family member or company, what supporting documents are needed? A3: The identity certificate of the agent and the proof of agency. Foreign exchange transactions are subject to the relevant provisions of the central bank. Q4: Why do banks sometimes still ask customers to produce their identification documents for a cash transaction (cash remittances, currency exchanges, bill payment, and other one-time transactions) not more than NT\$500,000 (including the equivalent in foreign currency). A4: In order to control the risk of one-time cash transactions being used for money laundering or financing terrorism, banks, when accepting such transactions, shall strengthen transaction monitoring and ask customers	
	for an amount more than NT\$30,000.		
5		Q5: Why do banks sometimes ask customers to explain the source and destination of funds (such as a list of major suppliers, major customers, etc.) or provide supporting documents related to transactions? A5:	•
		In order to prevent the financial services provided by the bank from	

#	Corrected Q&A	Current Q&A	Description
		being used for money laundering or financing terrorism, the bank must confirm that the customer's transaction is reasonable and equivalent to the customer's identity information. Therefore, the bank will inquire the customer or ask the customer to provide relevant supporting documents for confirmation when necessary.	
6		 Q6: I own multiple bank accounts, and I often allocate funds to different accounts or make fund transfer between accounts, so will such acts be deemed money laundering? A6: The bank will check the nature of account transaction and customer identity, income, the reasonableness of business scale or business nature, justification of the source of funds, and other relevant information in order to identify whether or not it is a suspicious transaction of money laundering or financing terrorism. 	No correction is made to this question.
7		Q7: What is the consequence to the customer who does not cooperate with the bank's request providing relevant information or unwilling to explain the nature, purpose, or source of funds of the transaction? A7: For customers who do not comply with the relevant measures, the bank may refuse/suspend transactions or temporarily suspend or terminate business relationships (for example, cancellation of accounts or suspension of cards) with the existing customers in accordance with the law and contractual agreements.	
8	 Q8: Under what circumstances will the bank refuse to do business with customers, or refuse to establish business relationships, transactions, or even terminate business relationships? A8: According to the "Model Guidelines Governing Anti-Money Laundering and Combating the Financing of Terrorism by the Banking Sector," banks should refuse to establish business relationships or transactions, or even temporarily suspend or terminate business relationships in any of the following situations: (1) A customers is suspected to use anonymous, fake name, figurehead, fictitious business or entity. 	Q8: Under what circumstances will the bank refuse to do business with customers, or refuse to establish business relationships, transactions, or even terminate business relationships? A8:	1 0 1

# Corrected Q&A		Cur	rent Q&A	Des	cription
(2) A customer re	efuses to provide relevant documentations required for	(2)	A customer refuses to provide relevant documentations required for		
the purpose	of CDD except that a bank may verify the client's		the purpose of CDD except that a bank may verify the client's		
identify using	reliable, independent source of information.		identify using reliable, independent source of information.		
(3) In the case t	that any person acts on behalf of a customer, it is	(3)	In the case that any person acts on behalf of a customer, it is		
difficult to ve	erify that the person purporting to act on behalf of the		difficult to verify that the person purporting to act on behalf of the		
customer is so	authorized and the identity of that person.		customer is so authorized and the identity of that person.		
(4) Using counter	rfeit or altered identity documents.	(4)	Using counterfeit or altered identity documents.		
	documents presented are hard copies, except for the	(5)	Identification documents presented are hard copies, except for the		
	permits the use of hard copies or soft copies of		business that permits the use of hard copies or soft copies of		
	documents with other alternative measures under		identification documents with other alternative measures under		
applicable reg			applicable regulations.		
_	provides suspicious or unclear documents, or fails to	(6)	A customer provides suspicious or unclear documents, or fails to		
	supportive evidence, or provides documents that are		provide other supportive evidence, or provides documents that are		
unable to veri	•		unable to verify.		
	elays the providing of required customer identification	(7)	A customer delays the providing of required customer identification		
	an unusual manner.	(0)	documents in an unusual manner.		
	rith whom a bank establishes business relationship are	(8)	The parties with whom a bank establishes business relationship are		
	ndividuals or entities sanctioned under Counter-		designated individuals or entities sanctioned under Counter-		
	nancing Act and terrorists or terrorist groups that are		Terrorism Financing Act and terrorists or terrorist groups that are		
	investigated. This requirement, however, does not payment made in accordance with Subparagraphs 1 to		identified or investigated. This requirement, however, does not apply to any payment made in accordance with Subparagraphs 2 to		
	, Article 6 of Counter-Terrorism Financing Act.		4, Paragraph 1, Article 6 of Counter-Terrorism Financing Act.		
	al scenarios occur when a bank establishes business		Other unusual scenarios occur when a bank establishes business		
	with or processes transactions for a customer and the		relationship with or processes transactions for a customer and the		
	s to provide a reasonable explanation.		customer fails to provide a reasonable explanation.		
	who do not cooperate with reviews, refuse to provide	(10)	Customers who do not cooperate with reviews, refuse to provide		
	on substantial beneficiaries, those who exercise	(10)	information on substantial beneficiaries, those who exercise		
	customers, or those who cannot adequately explain		control over customers, or those who cannot adequately explain		
	and purpose of a transaction or the source of funds.		the nature and purpose of a transaction or the source of funds.		
	ers that are processed in accordance with the bank	(11)			
	ning agreement or the relevant law and regulations.		account-opening agreement or the relevant law and regulations.		
9		<u>Q9</u> :	In response to the new law and regulations on anti-money	I.	This question is deleted.
			laundering and combating the financing of terrorism, when did	II.	The question has been deleted
			banks start to implement them?		since it has been in force for
		<u>A9:</u>			years.
			newly amended Money Laundering Control Act will be		

#	Corrected Q&A	Current Q&A	Description
		implemented starting on June 28, 2017.	
10	 Q9: Who is the "beneficial owner" of a corporate entity or NPO? A9: The so-called "beneficial owner" of a corporate entity or NPO refers to "a natural person with ownership or ultimate control" over the corporate entity or NPO. The bank should obtain the following information gradually in order to confirm the beneficial owner of the customer: (1) A natural person who holds more than 25% of the shares or capital of the corporate entity or NPO directly or indirectly. (2) If a natural-person controller is not identified according to statement (1), or when there is doubt whether or not the natural-person controller is a beneficial owner, banks should try to identify the natural persons who exercise control over the customer through other methods. (3) If a natural-person controller is not found according to statement (1) and (2), the bank shall identify the natural-person identity of the senior managers (the scope of senior managers may include board directors, supervisors, directors, general manager, chief financial officer, representatives, managers, partners, authorized signatories, or natural persons equivalent to the aforementioned senior managers; the bank shall adopt a risk-based approach to determine the scope of senior managers subject to review). 	Q10: Who is the "beneficial owner" of a corporate entity or NPO? A10: The so-called "beneficial owner" of a corporate entity or NPO refers to "a natural person with ownership or ultimate control" over the corporate entity or NPO. The bank should obtain the following information gradually in order to confirm the beneficial owner of the customer: (1) A natural person who holds more than 25% of the shares or capital of the corporate entity or NPO directly or indirectly. (2) If a natural-person controller is not identified according to statement (1), or when there is doubt whether or not the natural-person controller is a beneficial owner, banks should try to identify the natural persons who exercise control over the customer through other methods.	 I. Question number changed II. The scope of senior managers is amended in accordance with Item 3, Subparagraph 6, Article 4 of the Model Guidelines.
11	Q10: How to calculate the <u>directly or indirectly</u> held 25% or more shareholding interest or capital contribution in the corporate entity? A10: In addition to directly held shareholding interest or capital contribution in the corporate entity, it should include indirectly held shareholding interest or capital contribution in the corporate entity. For example: The total shareholder ratio of Mr. A in Company A = Direct holdings (15%) + 1 Mr. A oldin; Company A fr. A Company B Mr. C //	Q11: How to calculate the 25% or more shareholding interest or capital contribution held in the corporate entity? A11: In addition to directly held shareholding interest or capital contribution in the corporate entity, it should include indirectly held shareholding interest or capital contribution in the corporate entity. For example: The total shareholder ratio of Mr. A in Company A = Direct holdings (15%) + Indirect holdings (15% × 90% = 13.5%) = 28.5% Mr. A Company A fr. A Company B Mr. C	 I. Question number changed II. Text amendment is made in accordance with Sub-item 1, Item 1, Subparagraph 7, Article 4 of the Model Guidelines.

#	Corrected Q&A	Current Q&A	Description
	A君 90%	A君 90% C君 10% A君 15% Z公司 70% 15% 甲公司	
12	identity certificate of the responsible person in accordance with the existing regulations, a shareholder's registry or proof of capital contribution, and the identification information (such as name, date of birth, nationality, etc.) of a natural-person controller with more than 25% capital contribution, authorized signatory, and senior manager, Articles of Incorporation, and business address should also be provided	Q12: I am the responsible person of the company, so what documents do I have to prepare for opening a corporate bank account? A12: In addition to providing the company's registration change form and the identity certificate of the responsible person in accordance with the existing regulations, a shareholder's registry or proof of capital contribution, and the identification information (such as name, date of birth, nationality, etc.) of a natural-person controller with more than 25% capital contribution, authorized signatory, and senior manager, Articles of Incorporation, and business address should also be provided to facilitate the bank to confirm and verify the identity of customers and beneficial owner.	Question number changed
13	 Q12: Continuing from Q9, if the company's investor is also a corporate entity, what documents do I have to prepare for opening a corporate bank account? A12: If the shareholder of the corporate account is a corporate shareholder, the shareholder's registry or proof of capital contribution of the corporate shareholder or a certificate approved by the bank shall still be provided until it is sufficient to identify whether or not there is a natural person with ultimate ownership or control directly or indirectly holds more than 25% of the corporate shares or capital. If a natural person is 	Q13: Continuing from Q10, if the company's investor is also a corporate entity, what documents do I have to prepare for opening a corporate bank account? A13: If the shareholder of the corporate account is a corporate shareholder, the shareholder's registry or proof of capital contribution of the corporate shareholder or a certificate approved by the bank shall still be provided until it is sufficient to identify whether or not there is a natural person with ultimate ownership or control directly or indirectly holds more than 25% of the corporate shares or capital. If a natural person is identified with ultimate ownership or control who, directly or indirectly,	Question number changed

#	Corrected Q&A	Current Q&A	Description
	holds more than 25% of the corporate shares or capital, their identity	holds more than 25% of the corporate shares or capital, their identity	
	information (e.g. name, date of birth, nationality, and identity document	information (e.g. name, date of birth, nationality, and identity document	
	number) should be provided, including any other relevant documents	number) should be provided, including any other relevant documents	
	specified in the previous question.	specified in the previous question.	
14	$Q_{\underline{13}}$: Continuing from $Q_{\underline{10}}$, if the beneficial owner of the company is a	Q14: Continuing from Q11, if the beneficial owner of the company is a	Question number changed
	foreign natural person, do I need to produce the identity certificate	foreign natural person, do I need to produce the identity certificate	
	of the foreign natural person (such as a passport copy)?	of the foreign natural person (such as a passport copy)?	
	A <u>13</u> :	A <u>14</u> :	
	The identifying information (e.g. name, date of birth, nationality, and	The identifying information (e.g. name, date of birth, nationality, and	
	identification document number) of a natural person identified with	identification document number) of a natural person identified with	
	ultimate ownership or control and holds more than 25% of the corporate	ultimate ownership or control and holds more than 25% of the corporate	
	shares or capital should be provided.	shares or capital should be provided.	
15	Q14: Will the documents or information that the bank asks the customer	Q15: Will the documents or information that the bank asks the customer	Question number changed
	to provide for confirming or verifying the customer's identity	to provide for confirming or verifying the customer's identity	
	(e.g., identification document, passport copy, registration license	(e.g., identification document, passport copy, registration license	
	or certificate of registration, Articles of Incorporation,	or certificate of registration, Articles of Incorporation,	
	shareholder's registry, list of major suppliers, list of major	shareholder's registry, list of major suppliers, list of major	
	customers, supporting documents related to transactions, etc.) be	customers, supporting documents related to transactions, etc.) be	
	used for other purposes? How will banks secure them?	used for other purposes? How will banks secure them?	
	A <u>14</u> :	A <u>15</u> :	
	The bank shall keep the secrets of the customer in confidence unless	The bank shall keep the secrets of the customer in confidence unless	
	· · · · · · · · · · · · · · · · · · ·	otherwise authorized by the customer. The bank shall establish	
		appropriate policies and operating procedures for the confidentiality of	
		the customer's information in order to protect the rights of the customer,	
	except for in the following circumstances: (1) Banks shall declare or report to the MJIB in accordance with the	except for in the following circumstances: (1) Banks shall declare or report to the MJIB in accordance with the	
	Money Laundering Control Act or Counter-Terrorism Financing		
	Act.	Act.	
	(2) Regulations otherwise provided by the competent authorities.	(2) Regulations otherwise provided by the competent authorities.	
16	· · · · · · · · · · · · · · · · · · ·	Q16: In response to the new law and regulations on anti-money	This question is deleted.
		laundering and combating the financing of terrorism, what are the	= This question is deleted since the
		revised measures for confirming the identity of customers?	content has been included in the
		<u>A16:</u>	last question.
		The revised measures for confirming the identity of customers are as	

#	Corrected Q&A	Current Q&A			Description
		<u>follows:</u>			
		Summary of regulations:			
		<u>" Money Laundering Control</u>	Act": Regulations	Governing Anti-Money	
		Laundering of Financial Institution	S		
		Timing for confirming	Amended	Regulatory basis	
		customer identity	measures		
		1. When establishing a	Confirmed	Subparagraph 2, 5,	
		business relationship with a	counterparty: the	and 7, Article 3 of	
		<u>customer.</u>	principal, the agent,	the "Money	
			the beneficial	Laundering	
			owner, and senior	Control Act"	
			managers		
		2. Handle any of the	Confirmed	Subparagraph 2, 5,	
		<u>following</u> <u>one-time</u>	counterparty: the	and 7, Article 3 of	
		transactions-	principal, the agent,	the "Money	
		(1) Cash transactions over	the beneficial	Laundering	
		11	owner, and senior	Control Act"	
		<u>equivalent</u> <u>foreign</u>	managers		
		<u>currencies</u>)			
		(2) Multiple related cash			
		transactions for an amount			
		more than NT\$500,000			
		(including the equivalent in			
		foreign currency).			
		(3) Offshore remittances of			
		NT\$30,000 (including the			
		equivalent in foreign			
		currency)			
		l I	Confirmed	Subparagraph 2, 5,	
		transactions of money	•		
		laundering or financing of		•	
		<u>terrorism</u>		Laundering	
			owner, and senior	Control Act"	
			managers		
		4. When there are doubts in	Confirmed	Subparagraph 2, 5,	

#	Corrected Q&A	Current Q&A	Description
		the authenticity or appropriateness of customer identification information obtained in the past beneficial owner, and senior managers counterparty: the and 7, Article 3 of the "Money Laundering Control Act"	
17	Q <u>15</u> : When will the bank perform a continuous review of the existing customers?	Q <u>17</u> : When will the bank perform a continuous review of the existing customers?	Question number changed
	A15:	A17:	
		The bank will consider the last review of customer identity information	
	·	performed, the adequacy of the information obtained, then review the	
	existing customers at an appropriate time and ask the customer to	existing customers at an appropriate time and ask the customer to	
	provide necessary information for verification. The aforementioned	provide necessary information for verification. The aforementioned	
	"appropriate time" includes:	"appropriate time" includes:	
	_ ` ′	(1) When the customer opens a new account or establishes a new	
	business relation.	business relation.	
		(2) Based on regular review times that are scheduled in accordance with	
	the importance of the customer and the degree of risk.	the importance of the customer and the degree of risk.	
		(3) When a bank knows a material change occurs in the customer's	
	identification and background information.	identification and background information.	
		In order to ensure that customer transactions with the bank are in line	
	<u> </u>	with the customer risk level and the nature of business operations, the	
	bank shall try to identify the source of customer funds if necessary.	bank shall try to identify the source of customer funds if necessary.	