

**FINANCIAL INTELLIGENCE AUTHORITY**

**ANNUAL COMPLIANCE REPORTING TEMPLATE FOR THE DESIGNATED NON-FINANCIAL BUSINESSES AND PROFESSIONS (DNFBPs) SECTOR.**

Pursuant to Regulation 45 Anti-Money Laundering Regulations, 2015.

|  |  |
| --- | --- |
| **Name of Accountable person:** |  |
| **FIA Registration Code:** |  |
| **Reporting Year:** |  |

**Instructions:**

1. Please complete the form below by entering one of **C**, **D**, or **NA** in column 5 for each of the rows. Where a regulation has not been complied with, enter reason for non-compliance in column 6 of the respective row. You may use additional sheets if the explanation is lengthy.
2. Print, sign, stamp and send the document in a PDF file to the FIA offices or email the word Document as attachment to **compliance@fia.go.ug** with email subject being similar to the file names for example ACR/2019/ Name of Accountable person
3. Accountable persons registered on the goAML electronic reporting system may submit through the message board.

| No | Regulation | Reference in the AMLA/Regulations | Description of regulatory requirement (To be read together with and Anti-Money Laundering Act 2013 (as amended), and Anti-Money Laundering Regulations 2015) | **Enter one of:**  **C** - Complied  **D** - Did Not Comply  **NA** - Not Applicable | If ‘’Complied’’ state how. Use separate sheet(s) where necessary. | If ‘**Did Not Comply**’, state reason for non-compliance. Use separate sheet(s) where necessary. |
| --- | --- | --- | --- | --- | --- | --- |
|  | 4. Registration with the FIA | 4. (1) | The accountable person registered with the FIA within one year of the Regulations or such other period as the Authority may specify. |  |  |  |
|  | Money Laundering control Officer | 6 | The accountable person has appointed or designated a money laundering control officer who meets the criteria set out in the regulation. |  |  |  |
|  |  | 7. (2) | Are Staff in the institution aware and report suspicious activity on money laundering & Terrorist financing to the money laundering control officer? |  |  |  |
|  |  |  | The money laundering control officer reported forthwith to the FIA any transaction or activity that he had reason to believe was suspicious on Form B. |  |  |  |
|  |  |  | Are employees of the institution screened for fit and probity before being hired? |  |  |  |
|  | 6. Risk Assessment | 8. (1) | The institution has undertaken a Money Laundering Risk Assessment to enable it identify, assess, monitor, manage and mitigate the risks associated with money laundering and terrorism financing, taking into account all relevant risk factors. |  |  |  |
|  |  | 8. (2) | The Accountable person has documented the results of the risk assessment carried out and made the results of the risk assessment available to any competent authority upon request. |  |  |  |
|  |  | 8.(3) | The accountable person within forty-eight hours after conducting a risk assessment, gave a copy of the risk assessment results to the Authority. |  |  |  |
|  |  | 8.(5) | On the basis of the results of the assessment, the accountable person has developed and implemented Board/ governing body approved policies, controls and procedures that enable it to effectively manage and mitigate the identified risks. |  |  |  |
|  |  | 8.(6) | The accountable person has put in place procedures and mechanisms for monitoring the implementation of policies, controls and procedures to address the risks relating to money laundering and terrorism financing, and where necessary, enhance them on a regular basis. |  |  |  |
|  |  | 8.(7) | The institution has put in place mechanisms to update its risk assessment policies or programs regularly taking into account changes such as the entry of the institution into new markets and the introduction of new products and services. |  |  |  |
|  | Internal Control Obligations | 11. (1) | The accountable person has formulated, adopted and implemented internal control measures and other procedures to combat money laundering and terrorist financing. The measures shall include— |  |  |  |
|  |  | 11. (2) a | * monitoring systems for complex, unusual or large transactions or suspicious activities |  |  |  |
|  |  | 11. (2) b | * enhanced due diligence procedures with respect to persons and business relations and transactions carrying high risk |  |  |  |
|  |  | 11. (2)c | * monitoring systems for persons in jurisdictions that do not have adequate systems to combat money laundering or terrorism financing |  |  |  |
|  |  | 11. (2)d | * training programs for the purposes of continuous training of employees, managers and directors of the accountable person |  |  |  |
|  |  | 11. (2)e | * awareness programs for the purposes of ensuring that employees, managers and directors of the accountable person are sufficiently knowledgeable |  |  |  |
|  |  | 11. (2)f | * maintenance of a manual to facilitate compliance with procedures, processes and working methods relating to anti-money laundering |  |  |  |
|  |  | 11. (2)g | * Systems relating to carrying out of independent audits to review and verify compliance with and effectiveness of the measures. |  |  |  |
|  |  | 11. (2)h | * Mechanisms for the sharing of information obtained by an accountable person with other accountable persons including systems that ensure the confidentiality of the shared information. |  |  |  |
|  |  | 12. (2) | The accountable person, at the time of establishing a business relationship, took reasonable measures to determine whether the applicant for business was acting on his own behalf or on behalf of a third party. |  |  |  |
|  | Due Diligence | 14. (1)  S.6 | For the purposes of section 6 of the Act, the accountable person carried out due diligence in the circumstances listed in Reg.14(1) |  |  |  |
|  |  | 14. (2) | The accountable person, on the commencement of these Regulations, carried out due diligence on all accounts and customers’ existing immediately before the commencement of the Regulations. |  |  |  |
|  | Due diligence to be carried out on risk-based approach | 15.(1) | The accountable person carried out due diligence in respect of all persons and customers on a risk sensitive basis, taking into account the outcome of the risk assessment undertaken by the accountable person under these Regulations |  |  |  |
|  |  | 15.(2) | Where an identified risk was high, the accountable person conducted enhanced due diligence measures consistent with the risk identified. |  |  |  |
|  |  | 15.(3) | The Enhanced due diligence measures listed in Reg.15. (3) were applied |  |  |  |
|  |  | 15.(5) | Where the risk identified by the accountable person was low, the accountable person had the discretion to conduct simplified due diligence measures but this did not apply to cases involving suspicions of money laundering or terrorism financing. |  |  |  |
|  | Performance of due diligence by third party. | 16.(2) | The accountable person who wished to rely on a third party entered into an agreement with the third party and the agreement outlined the responsibilities of the accountable person and the third party |  |  |  |
|  |  | 16.(3) a,b | The accountable person who relied on a third party obtained from the third party all the necessary information concerning the relevant elements of customer due diligence measures performed by the third person including copies of identification data and other relevant documentation; ensured that the third party was regulated, supervised or monitored by a competent authority and had measures in place to comply with customer due diligence and record-keeping requirements in accordance with the Act and these Regulations. |  |  |  |
|  |  | 16.(6) | Where the accountable person relied on a third party to perform some due diligence measures, the responsibility for customer due diligence measures remained with the accountable person that was relying on the third party |  |  |  |
|  | Accountable person to identify person before establishing  relationship | 18.(1) | The accountable person verified the identity of a person in the circumstances listed in Reg.18(1) |  |  |  |
|  |  | 18.(2) | In addition to verifying the identity of a person or customer under Reg.18 (1), the accountable person verified the matters listed in Reg.18(2) |  |  |  |
|  |  | 18.(3) | Where a person or customer failed or did not, as soon as was reasonably practicable, provide sufficient proof of identity, the accountable person did not open an account, perform any transaction or commence any business relationship with the person or customer, and in a case where a business relationship already existed with the person or customer, the accountable person discontinued the business relationship. |  |  |  |
|  |  | 18.(4) | The accountable person, on a regular basis, reviews the due diligence measures relating to identification information, records and documents of all existing customers in order to ensure that the information, records and documents are up to date. |  |  |  |
|  | Establishing the identity of natural persons who are citizens or residents | 19. (1) | For the purposes of establishing or verifying the identity of a natural person who is a citizen or a natural person lawfully resident in Uganda, the accountable person required the items listed in Reg.19(1) |  |  |  |
|  |  | 19. (2) | The accountable person required a person to provide the additional information listed in reg.19(2) to enable the identification and verification of the identity of the person |  |  |  |
|  |  | 19.(3) | Where in any case -(a) the identity of a citizen was in doubt, the accountable person requested the National Identification and Registration Authority to confirm the identity of the person;(b) the immigration status of a person was in doubt, the accountable person requested the Uganda Citizenship and Immigration Control Board to confirm the immigration status of the person |  |  |  |
|  |  | 19.(4) | Where a person was only capable of establishing a business relationship or concluding a transaction with the assistance of a third person, the accountable person obtained the particulars of the third person. |  |  |  |
|  |  | 19.(5) | The particulars obtained from the third person under Reg.19 (4), with the necessary modifications, were the same as those of the person intending to establish a business relationship or conclude a transaction. |  |  |  |
|  | Establishing the identity of foreign nationals | 20.(1) | The accountable person obtained from, or in respect of, an individual who is a foreign citizen and is not resident in Uganda, the information listed in Reg.20(1) |  |  |  |
|  |  | 20.(2) | Where a person was only capable of establishing a business relationship or concluding a transaction with the assistance of a third person, the accountable person obtained the particulars of the third person. |  |  |  |
|  |  | 20.(3) | The particulars obtained from the third person, were with the necessary modifications, the same as those of the person intending to establish a business relationship or conclude a transaction under these Regulations. |  |  |  |
|  |  | 20.(4) | The accountable person independently verified the particulars and details submitted by a foreign national by requesting-(a) the Uganda Citizenship and Immigration Control Board to confirm the information, in the case of matters relating to the person’s immigration status; or (b) the individual’s bank in his or her country of origin or residence to confirm the bank and financial details. |  |  |  |
|  |  | 20.(5) | Where it was not practicable to contact the individual’s bank in his or her country of origin or residence, the accountable person used any other information obtained from any other independent and reliable source, while taking into account the risk posed by the jurisdiction of origin or residence of the foreign national, the nature of business of the foreign national and products and services offered by the accountable person to the foreign national. |  |  |  |
|  | Establishing identity of local entities and other bodies | 21.(1) | For the purposes of establishing and verifying the identity of a local entity or body, the accountable person required the entity or body to provide the information listed in Reg.21(1) |  |  |  |
|  |  | 21.(2) | The accountable person verified the information obtained from a local legal entity or body other than a legal arrangement by complying to Reg.21(2) |  |  |  |
|  |  | 21.(3) | Where it was not practicable to verify the particulars of a legal entity or body in the manner described in Reg.21 (2), the accountable person used any other information obtained from any other independent and reliable source, while taking into account the risk posed by the nature and business of the legal entity and the products and services offered to the legal entity or body by the accountable person. |  |  |  |
|  | Establishing identity of foreign entities or bodies | 22.(1) | For the purposes of establishing and verifying the identity of a foreign entity or body, the accountable person required the entity or body to provide the information listed in Reg.22(1) |  |  |  |
|  |  | 22.(2) | In addition to the information required under Reg.22 (1), the accountable person collected information about the foreign entity or body to establish items listed in Reg.22(2) |  |  |  |
|  |  | 22.(3) | The accountable person verified the particulars obtained in respect of a foreign company by following Reg.22(3) |  |  |  |
|  | Establishing identity of partnerships | 23 | For the purposes of establishing and verifying the identity of a partnership, the accountable person required the information listed in Reg.23 |  |  |  |
|  | Establishing identity of trustees | 24.(1) | For the purposes of establishing and verifying the identity of a trust, the accountable person required the information listed in Reg.24(1) |  |  |  |
|  |  | 24.(2) | The accountable person verified the particulars submitted to the accountable person by a legal arrangement by adhering to Reg.24(2) |  |  |  |
|  |  | 24.(3) | Where the customer was a private trust, the accountable person verified the authorization given to each trustee of the trust |  |  |  |
|  | Identification of beneficiaries in a legal person or legal  arrangement | 25.(1) | The accountable person developed and implemented due diligence measures to enable the accountable person to identify and verify the natural persons exercising control and ownership of a legal person or legal arrangement other than a trust. |  |  |  |
|  |  | 25.(2) | For the purposes of Reg.25, the due diligence measures outlined in Reg.25(2) were adopted by the accountable person |  |  |  |
|  | Establishing authority of person acting for another | 27.(1) | Without prejudice to any regulation, where an individual sought to establish a relationship or to conclude a transaction with the accountable person on behalf of another person, partnership, trust or legal arrangement, the accountable person, in addition to the information required under these Regulations, required the person to provide proof of that person’s authority to act in that capacity on behalf of the person, partnership, trust or legal arrangement |  |  |  |
|  |  | 27.(2) | The accountable person verified the information obtained under Reg.27 (1), by comparing the particulars of the individual or legal person, partnership or trust with information obtained by the accountable person. |  |  |  |
|  | R. 29 Politically exposed person |  | The accountable person implemented appropriate risk management systems to determine whether a person is politically exposed |  |  |  |
|  |  | 29(2a) | The accountable person obtained written approval from senior management to transact a business relationship with that person |  |  |  |
|  |  | 29(2b) | The accountable person took adequate measures to establish the source of wealth and the source of funds involved in the proposed business relationship or transaction. |  |  |  |
|  |  | 29(2e) | The accountable person reviewed public sources of information on politically exposed person . |  |  |  |
|  |  | 29(2f) | The accountable person conducted on going monitoring of business relationship |  |  |  |
|  | R.32  Customer acceptance policy |  | The accountable person developed and updates on a regular basis a written risk-based customer acceptance policy for ongoing business relationships or single transactions |  |  |  |
|  |  |  | The accountable person has put in place policies and guidelines to explain the customer acceptance policy which forms part of training program of the accountable person |  |  |  |
|  | Reporting of suspicious activities and cash transactions | 39.[1] | An accountable person upon investigating and being fully satisfied that the transaction or activity is suspicious, notified the Authority of any suspicious activity or transaction which indicated possible money laundering or terrorism financing. |  |  |  |
|  |  | 39.[2] | The notification was made as soon as practicable but, in any case, not later than forty-eight hours after the occurrence of suspicious activity or transaction, using form B |  |  |  |
|  |  | 39.[3] | An accountable person filed reports to the Authority on all cash and monetary transactions equivalent to or exceeding one thousand currency points in any currency, whether or not the transaction appeared to be suspicious, using form A. |  |  |  |
|  | Prohibition on tipping off | 41[1.] | An accountable person, a director or employee of an accountable person, did not disclose to the person or customer the fact that a suspicious transaction or activity report or related information has been or is being submitted to the Authority or that a money laundering or terrorism financing investigation is being or has been carried out. |  |  |  |
|  | Record keeping | 42.[1] | An accountable person kept and maintained records of all transactions for a minimum of ten years from the date the relevant business or transaction is complicated or following the termination of an account or business relationship. |  |  |  |
|  |  |  | An accountable person kept all records obtained through customer due diligence measures for the period of ten years. |  |  |  |
|  |  | 28(3) | The accountable person determined the manner in which records are kept including by way of original documents as hard copies, microfiche, computer disk or in any other electronic form. |  |  |  |
|  |  | 42.[5] | An accountable person took reasonable steps, in respect of an existing business relationship, to maintain the correctness of records, particularly for higher risk categories of customers or business relationships. |  |  |  |
|  |  | 42.[7] | The accountable person ensured that any records kept under the Act and the regulations, may be made available to the competent Authority. |  |  |  |
|  | Independent audit | 43[1.] | An accountable person carried out periodic independent audits and assessed its compliance with the requirements of the Act and the regulations |  |  |  |
|  |  | 43.[2] | An accountable person prepared a report of every independent audit carried out and a copy of the report was, upon request, made available to the Authority |  |  |  |
|  | Annual compliance report | 45.[1] | By 31st January, the accountable person submitted a compliance report to the Authority setting out the level of compliance with the Act for the previous calendar year. |  |  |  |
|  |  |  | By 31st January, the accountable person submitted their internal anti money laundering and combating terrorist financing policy |  |  |  |

**Annexures**

**Annexure 1; NGOs, Churches and Charitable organizations.**

* 1. What is the NGO type? Circle as appropriate
* Indigenous
* Regional
* Continental
* Foreign
* International
  1. Which legal structure best describes your NGO? Please circle appropriately
* Company Limited by guarantee
* Foundation
* Association
* Trust
* Other, please specify\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  1. What is the total value of the NGO’s income/budget/expenditure in a single year (2020)? Please indicate amount; \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  2. What is the NGO’s source of funding? Circle as appropriate
* Donations
* Membership fees
* Social media/ Online collections
* From income generating activities
* Grants
* Others, please specify\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  1. Does this NGO raise funds from Abroad? Please tick Yes [ ] No [ ] . If yes, state the percentage of funding raised from abroad\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  2. What is/are the Source jurisdictions of international funds raised.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

* 1. Does this NGO have international disbursements? Please tick Yes [ ] No [ ]. If yes, state the destination jurisdiction of international funds disbursed/spent\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  2. Does this NGO have significant disbursements to humanitarian disaster/ emergency situations?

Please tick; Yes [ ] No [ ]

* 1. What is the level of cash transfers or valuable in-kind goods provided by the NGO during service delivery? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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* 1. What method/s of transferring funds does the NGO use? Circle as appropriate
* Cash
* Cheques
* Mobile money
* Wire transfers e.g. EFTs/RTGS
* Virtual currencies e.g. Bitcoin and other digital currencies
* Informal/alternative remittance and money service businesses
* Credit and Debit cards
* Standing orders
* In kind goods e.g. food, motor vehicles etc.
* Others, please specify\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
  1. Have you attended any Countering the Financing of Terrorism training in the past 2 years? Please tick; Yes [ ] No [ ]

**Annexure 2: DNFBPs (Casinos, Lawyers, Accountants, Dealers in Precious Metals and Stones, Real Estate Agents)**

**DATA COLLECTION TOOL**

The purpose of this section is to assist the FIA to understand the risks faced by accountable persons in relation to the money laundering and the financing of terrorism through their products, services, customers, delivery channels and geographic regions to which they are exposed.

**Customer base**

| Type of Customers | Number of Customers |
| --- | --- |
| 1. ***Natural Persons*** |  |
| Resident |  |
| Non-resident |  |
| Residents of “high-risk” jurisdictions as defined by the FATF, ESAAMLG and/or Uganda |  |
| **2. *Legal person*** |  |
| Resident |  |
| Non-resident |  |
| Residents of “high-risk” jurisdictions as defined by the FATF, ESAAMLG and/or Uganda |  |
| **3. *Politically exposed persons (PEPs) and their related companies and affiliations*** |  |
| Resident |  |
| Non-resident |  |
| ***4. NGOs*** |  |
| Domestic |  |
| Foreign |  |
| 5.Real estate companies (including agents) |  |
| 6. Dealers in precious metals and stones and jewelry shops |  |
| 7. Casinos |  |
| 8. Lawyers and Accountants |  |
| **Total Number of Customers** |  |

**CUSTOMER RISK PROFILE AS DETERMINED BY THE INSTITUTION BASED ON INTERNAL RISK ASSESSMENT**

|  |  |
| --- | --- |
| Risk Profile | No. of Customers |
| 1. Low Risk |  |
| 1. Medium Risk |  |
| 1. High Risk |  |
| Total |  |

**Products, Services offered**

|  |  |
| --- | --- |
| Description of Product/service offered | Risk profile |
|  |  |
|  |  |
|  |  |
|  |  |

**STR Reporting**

|  |  |  |  |
| --- | --- | --- | --- |
| SUSPICIOUS TRANSACTION REPORTS | | | |
| Number of Suspicious Transaction Reports Submitted to FIA | |  | |
| Number of Unusual Transactions Identified but not yet assessed by Compliance Officer | |  | |
| Number of Unusual/Suspicious Transactions not reported to FIA after assessment by Compliance Officer | |  | |
| **AML/CFT Program Attachments** | | |
| Anti-Money Laundering and Counter-Terrorism Financing (AML/CTF) documents | * Copy of the AML/CFT policy and procedures * Copies of AML risk assessment of customers, products, methods of delivery and geographical location of customers (if any for 2019). * Copy of the independent audit report of the compliance program (2019) | |

**Declaration:**

I hereby declare that the responses in this Annual Compliance Report are accurate and reflect the Institution’s extent of compliance in the reported year with Anti-Money Laundering Act 2013 (as amended), and Anti-Money Laundering Regulations 2015.

|  |  |
| --- | --- |
| **Name:** |  |
| **Designation:** |  |
| **Signature:** |  |
| **Date:** |  |