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Outlier Solutions Inc. (Outlier) has prepared this marked-up copy of the Proceeds of Crime (Money Laundering) and Terrorist Financing Regulations (PCMLTFR), reflecting the changes proposed in the Canada Gazette on July 4, 2015.

We have removed sections of the document that were not relevant, including repealed sections and sections that referred to the coming into force and amendment of the original PCMLTFR.

Please feel free to distribute this document free of charge to additional stakeholders. If you have any questions or concerns, or if you would like a copy of this document in Microsoft Word format, please contact us at info@outliercanada.com.

Cheers,

A handwritten signature in black ink, appearing to read "Amber D. Scott", with a long horizontal stroke extending to the right.

Amber D. Scott
Founder & Chief AML Ninja
Outlier Solutions Inc.

Change Type	Format Description	Format Sample
Removed Text	Strikethrough	PCMLTFR
Added Text	Highlighted in Yellow	PCMLTFR

PROCEEDS OF CRIME (MONEY LAUNDERING) AND TERRORIST FINANCING REGULATIONS

The original document is published by the Minister of Justice at the following address:
<http://laws-lois.justice.gc.ca>

Draft amendments were published on July 4th, 2015 at the following address:
<http://www.gazette.gc.ca/>

Submitting Feedback About the Draft Amendments

All comments relating to the draft amendments should be submitted in writing no later than 60 days from the publication of the draft amendments. Comments may be submitted in writing to:

By Mail:

Lisa Pezzack, Director
Financial Systems Division, Financial Sector Policy Branch
Department of Finance
90 Elgin Street
Ottawa, Ontario
K1A 0G5

By Email:

fcs-scf@fin.gc.ca

If you require assistance preparing or reviewing your comments, feel free to reach out to the Outlier team. Please note that due to time constraints, we cannot guarantee a review of any comments received after August 20, 2015.

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INTERPETATION

1. (1) The following definitions apply in the Act and in these Regulations.

~~“casino” means a person or entity that is licensed, registered, permitted or otherwise authorized to do business under any of paragraphs 207(1)(a) to (g) of the Criminal Code and that conducts its business activities in a permanent establishment~~

~~(a) that the person or entity holds out to be a casino and in which roulette or card games are carried on; or~~

~~(b) where there is a slot machine, which, for the purposes of this definition, does not include a video lottery terminal.~~

~~It does not include a person or entity that is a registered charity as defined in subsection 248(1) of the Income Tax Act and is licensed, registered, permitted or otherwise authorized to carry on business temporarily for charitable purposes, if the business is carried out in the establishment of the casino for not more than two consecutive days at a time under the supervision of the casino.~~

“casino” means a government, organization, board or operator that is referred to in any of paragraphs 5(k) to (k.3) of the Act.

“shell bank” means a foreign financial institution that does not have a physical presence in any country, unless it is controlled by or is under common control with a depository institution, credit union or foreign financial institution that maintains a physical presence in Canada or in a foreign country.

(2) The following definitions apply in these Regulations.

“accountant” means a chartered accountant, a certified general accountant or a certified management accountant.

“accounting firm” means an entity that is engaged in the business of providing accounting services to the public and has at least one partner, employee or administrator that is an accountant.

“Act” means the Proceeds of Crime (Money Laundering) and Terrorist Financing Act.

“annuity” has the same meaning as in subsection 248(1) of the Income Tax Act.

“British Columbia notary corporation” means an entity that carries on the business of providing notary services to the public in the province of British Columbia in accordance with the Notaries Act, R.S.B.C. 1996, c. 334.

“British Columbia notary public” means a person who is a member of the Society of Notaries Public of British Columbia.

“business relationship” means any relationship with a client, established by a person or entity to which section 5 of the Act applies, to conduct financial transactions or provide services related to those transactions and, as the case may be,

(a) if the client holds one or more accounts with that person or entity, all transactions and activities relating to those accounts; or

(b) if the client does not hold an account, only those transactions and activities in respect of which that person or entity is required to ascertain the identity of a person or confirm the existence of an entity under these Regulations.

It does not include any transaction or activity to which any of paragraphs 62(1)(a), (b) and (d) or any of subsections 62(2) to (4) (3) apply.

“cash” means coins referred to in section 7 of the Currency Act, notes issued by the Bank of Canada pursuant to the Bank of Canada Act that are intended for circulation in Canada or coins or bank notes of countries other than Canada.

“CICA Handbook” means the handbook prepared and published by the Canadian Institute of Chartered Accountants, as amended from time to time.

~~“client credit file” means a record that relates to a credit arrangement with a client and includes the name, address and financial capacity of the client, the terms of the credit arrangement, the nature of the principal business or occupation of the client, the name of the business, if any, and the address of the client’s business or place of work.~~

“client information record” means a record that sets out a client’s name and address and

- (a) if the client is a person, their date of birth and the nature of their principal business or their occupation, as applicable; and
- (b) if the client is an entity, the nature of their principal business.

“correspondent banking relationship” has the same meaning as in subsection 9.4(3) of the Act.

“credit union central” means a central cooperative credit society, as defined in section 2 of the Cooperative Credit Associations Act, or a credit union central or a federation of credit unions or caisses populaires that is regulated by a provincial Act other than one enacted by the legislature of Quebec.

“dealer in precious metals and stones” means a person or an entity that, in the course of its business activities, buys or sells precious metals, precious stones or jewellery. It includes a department or agent **or mandatory** of Her Majesty in right of Canada or of a province when the department or agent **or mandatory** is carrying out the activity, referred to in section 39.1, of selling precious metals to the public.

“deferred profit sharing plan” has the same meaning as in subsection 248(1) of the Income Tax Act.

“deposit slip” means a record that sets out the date of a deposit, the holder of the account in whose name the deposit is made, the number of the account, the amount of the deposit and any part of the deposit that is made in cash.

“electronic funds transfer” means the transmission through any electronic, magnetic or optical device, telephone instrument or computer — of instructions for the transfer of funds, other than the transfer of funds within Canada. In the case of SWIFT messages, only SWIFT MT 103 messages are included.

“employees profit sharing plan” has the same meaning as in subsection 248(1) of the Income Tax Act.

“financial entity” means an authorized foreign bank, as defined in section 2 of the Bank Act, in respect of its business in Canada or a bank to which that Act applies, a cooperative credit society, savings and credit union or caisse populaire that is regulated by a provincial Act, an association that is regulated by a provincial Act, , an association that is regulated by the Cooperative Credit Associations Act, a financial services cooperative, a credit union central, a company to which the Trust and Loan Companies Act applies and a trust company or loan company regulated by a provincial Act. It includes a department or agent or mandatory of Her Majesty in right of Canada or of a province when the department or agent or mandatory is carrying out an activity referred to in section 45.

“financial services cooperative” means a financial services cooperative that is regulated by An Act respecting Financial services cooperatives, R.S.Q., c. C-67.3, or An Act Respecting the Mouvement Desjardins, S.Q. 2000, c. 77, other than a caisse populaire.

“funds” means cash, currency or securities, or negotiable instruments or other financial instruments, in any form, that indicate a person’s or an entity’s title or right to, or interest in, them.

“inter vivos trust” means a personal trust, other than a trust created by will.

“jewellery” means objects that are made of gold, silver, palladium, platinum, pearls or precious stones and that are intended to be worn as a personal adornment.

“large cash transaction record” means a record that indicates the receipt of an amount of \$10,000 or more in cash in the course of a single transaction and that contains the following information:

(a) as the case may be

(i) if the amount is received for deposit by a financial entity, the name of each person or entity in whose account the amount is deposited, or

(ii) in any other case, the name of the person from whom the amount is in fact received, their address and date of birth and the nature of their principal business or their occupation, if the information is not readily obtainable from other records that the recipient keeps and retains under these Regulations;

(b) the date of the transaction;

- (c) where the transaction is a deposit that is made during normal business hours of the recipient, the time of the deposit or, where the transaction is a deposit that is made by means of a night deposit before or after those hours, an indication that the deposit was a night deposit;
- (d) the number of any account that is affected by the transaction, and the type of that account, the full name of any person or entity that holds the account and the currency in which account transactions are conducted;
- (e) the purpose and details of the transaction, including other persons or entities involved and the type of transaction (such as cash, electronic funds transfer, deposit, currency exchange, the purchase or cashing of a cheque, money order, traveller's cheque or banker's draft or the purchase of precious metals, precious stones or jewellery);
- (f) whether the cash is received by armoured car, in person, by mail or in any other way;
- (g) the amount and currency of the cash received; and
- (h) where the amount is received by a dealer in precious metals and stones for the sale of precious metals, precious stones or jewellery,
 - (i) the type of precious metals, precious stones or jewellery involved in the transaction,
 - (ii) the value of the transaction, if different from the amount of the cash received, and
 - (iii) the wholesale value of the transaction.

“legal firm” means an entity that is engaged in the business of providing legal services to the public.

“life insurance broker or agent” means a person or entity that is registered or licensed under provincial legislation to carry on the business of arranging contracts of life insurance.

“life insurance company” means a life company or foreign life company to which the Insurance Companies Act applies or a life insurance company regulated by a provincial Act.

“money services business” means a person or entity referred to in paragraph 5(h) of the Act.

“ongoing monitoring” means monitoring on a periodic basis based on the risk assessment undertaken in accordance with subsection 9.6(2) of the Act and subsection 71(1) of these Regulations, by a person or entity to which section 5 of the Act applies of their business relationship with a client for the purpose of

- (a) detecting any transactions that are required to be reported in accordance with section 7 of the Act;
- (b) keeping client identification information and the information referred to in sections 11.1 and 52.1 up to date;
- (c) reassessing the level of risk associated with the client’s transactions and activities; and
- (d) determining whether transactions or activities are consistent with the information obtained about their client, including the risk assessment of the client.

“physical presence” means, in respect of a foreign financial institution, a place of business that is maintained by the institution, is located at a fixed address in a country in which the institution is authorized to conduct banking activities — at which address it employs one or more individuals on a full-time basis and maintains operating records related to its banking activities — and is subject to inspection by the banking authority that licensed the institution to conduct banking activities.

“precious metal” means gold, silver, palladium or platinum in the form of coins, bars, ingots or granules or in any other similar form.

“precious stones” means diamonds, sapphires, emeralds, tanzanite, rubies or alexandrite.

“public body” means

- (a) any department or agent **or mandatory** of Her Majesty in right of Canada or of a province;
- (b) an incorporated city, town, village, metropolitan authority, township, district, county, rural municipality or other incorporated municipal body or an agent **or mandatory in Canada of any** of any of them; and
- (c) an organization that operates a public hospital and that is designated by the Minister of National Revenue as a hospital authority under the Excise Tax Act, or any agent **or mandatory** of such an organization.

“real estate broker or sales representative” means a person or entity that is registered or licensed under provincial legislation in respect of the sale or purchase of real estate.

“real estate developer” means, on any given day in a calendar year, a person or entity who, in that calendar year and before that day or in any previous calendar year after 2007, has sold to the public, other than in the capacity of a real estate broker or sales representative,

- (a) five or more new houses or condominium units;
- (b) one or more new commercial or industrial buildings; or
- (c) one or more new multi-unit residential buildings each of which contains five or more residential units, or two or more new multi-unit residential buildings that together contain five or more residential units.

“receipt of funds record” means, in respect of a transaction in which an amount of funds is received, a record that contains the following information:

- (a) if the information is not readily obtainable from other records that the recipient keeps and retains under these Regulations, the name of the person or entity from whom the amount is in fact received and
 - (i) where the amount is received from a person, their address and date of birth and the nature of their principal business or their occupation, and
 - (ii) where the amount is received from an entity, their address and the nature of their principal business;
- (b) the date of the transaction;
- (c) the number of any account that is affected by the transaction, and the type of that account, the full name of the person or entity that is the account holder and the currency in which the transaction is conducted;
- (d) the purpose and details of the transaction, including other persons or entities involved and the type and form of the transaction;
- (e) if the funds are received in cash, whether the cash is received by armoured car, in person, by mail or in any other way; and
- (f) the amount and currency of the funds received.

“registered pension plan” has the same meaning as in subsection 248(1) of the Income Tax Act.

“registered retirement income fund” has the same meaning as in subsection 248(1) of the Income Tax Act.

~~“securities dealer” means a person or entity that is authorized under provincial legislation to engage in the business of dealing in securities or any other financial instruments or to provide portfolio management or investment advising services.~~

“securities dealer” means a person or entity that is referred to in paragraph 5(g) of the Act.

“senior officer”, in respect of an entity, means, if applicable,

- (a) a director of the entity who is one of its full-time employees;
- (b) the entity’s chief executive officer, chief operating officer, president, secretary, treasurer, controller, chief financial officer, chief accountant, chief auditor or chief actuary, or any person who performs any of those functions; or
- (c) any other officer who reports directly to the entity’s board of directors, chief executive officer or chief operating officer.

~~“signature” includes an electronic signature.~~

“signature” includes an electronic signature or other information in electronic form that is created or adopted by a client of a person or entity referred to in section 5 of the Act and that is accepted by the person or entity as being unique to that client.

~~“signature card”, in respect of an account, means any record that is signed by a person who is authorized to give instructions in respect of the account.~~

“signature card”, in respect of an account, means electronic data that constitutes the signature of, or a document that is signed by, a person who is authorized to give instructions in respect of the account.

“SWIFT” means the Society for Worldwide Interbank Financial Telecommunication.

“transaction ticket” means a record respecting a foreign currency exchange transaction — which may take the form of an entry in a transaction register — that sets out

- (a) the date, amount and currency of the purchase or sale;
- (b) the method, amount and currency of the payment made or received; and
- (c) in the case of a transaction of \$3,000 or more that is carried out by a person, their name, address and date of birth.

“trust company” means a trust company to which the Trust and Loan Companies Act applies or a trust company regulated by a provincial Act.

1.1 For the purpose of ~~the definition “politically exposed foreign person” in subsection 9.3(3) of the Act, the prescribed family members of a politically exposed foreign person, a politically exposed domestic person or a head of an international organization~~ ~~are is~~

- (a) the person’s spouse or common-law partner;
- (b) a child of the person;
- (c) the person’s mother or father;
- (d) the mother or father of the person’s spouse or common-law partner; and
- (e) a child of the person’s mother or father.

(2) For the purposes of the definition “politically exposed domestic person” in subsection 9.3(3) of the Act, the prescribed period is 20 years.

1.11 The prescribed precious metals for the purpose of paragraph 5(l) of the Act are precious metals as de-fined in subsection 1(2).

1.12 For the purposes of these Regulations, an entity is affiliated with another entity if one of them is wholly owned by the other, if both are wholly owned by the same entity or if their financial statements are consolidated.

NON-APPLICATION OF CERTAIN PROVISIONS

1.2 Sections 11.1, 12, 13, 14, 14.1, 15.1, 52.1, 53.1, 54, 54.1, 54.2 and 54.3 do not apply in respect of the credit card acquiring activities of a financial entity.

GENERAL

FOREIGN CURRENCY

2. ~~Where~~ **If** a transaction is carried out by a person or entity in a foreign currency, the amount of the transaction shall, for the purposes of these Regulations, be converted into Canadian dollars ~~based on~~ **using**

(a) the official conversion rate of the Bank of Canada for that currency as published in the Bank of Canada's Daily Memorandum of Exchange Rates that is in effect at the time of the transaction; or

(b) if no official conversion rate is set out in that publication for that currency, the conversion rate that the person or entity would use for that currency in the normal course of business at the time of the transaction.

SINGLE TRANSACTIONS

3. (1) In these Regulations, two or more cash transactions or electronic funds transfers of less than \$10,000 each that are made within 24 consecutive hours and that total \$10,000 or more are considered to be a single transaction of \$10,000 or more if

(a) where a person is required to keep a large cash transaction record or to report an electronic funds transfer in accordance with these Regulations, the person knows that the transactions or transfers are conducted by, or on behalf of, the same person or entity;

(b) where an entity is required to keep a large cash transaction record or to report an electronic funds transfer in accordance with these Regulations, an employee or a senior officer of the entity knows that the transactions or transfers are conducted by, or on behalf of, the same person or entity.

(2) For greater certainty, subsection (1) does not apply in respect of an electronic funds transfer sent to two or more beneficiaries where the transfer is requested by

(a) a public body or a corporation referred to in paragraph 62(2)(m); or

(b) an administrator of a pension fund that is regulated by or under an Act of Parliament or of the legislature of a province.

SENDING REPORTS

4. (1) A report that is required to be made to the Centre shall be sent electronically in accordance with guide lines for report submissions that are prepared by the Centre, if the sender has the technical capabilities to do so.

(2) The report shall be sent in paper format, in accordance with guidelines for report submissions that are prepared by the Centre, if the sender does not have the technical capabilities to send the report electronically.

REPORTING TIME LIMITS

5. (1) A report that is required to be made under these Regulations in respect of an electronic funds transfer shall be sent to the Centre not later than five working days after the day of the transfer.

(2) A report in respect of a large casino disbursement or a transaction for which a large cash transaction record must be kept and retained under these Regulations shall be sent to the Centre within 15 days after the disbursement or transaction.

TRANSACTIONS CONDUCTED BY EMPLOYEES OR AGENTS

MANDATAIRES

6. (1) Where a person who is subject to the requirements of these Regulations is an employee of a person or entity referred to in any of paragraphs 5(a) to (l) of the Act, it is the employer rather than the employee who is responsible for meeting those requirements.

(2) ~~Where~~ **If** a person or entity who is subject to the requirements of these Regulations, other than a life insurance broker or agent, is an agent or **mandatary** or is authorized to act on behalf of another person or entity referred to in any of paragraphs 5(a) to (l) of the Act, it is that other person or entity rather than the agent or **mandatary** or the authorized person or entity, as the case may be, that is responsible for meeting those requirements.

7. For the purposes of these Regulations, a person acting on behalf of their employer is considered to be acting on behalf of a third party except when the person is depositing cash into the employer's business account.

THIRD PARTY DETERMINATION

8. (1) Every person or entity that is required to keep a large cash transaction record under these Regulations shall take reasonable measures to determine whether the individual who in fact gives the cash in respect of which the record is kept is acting on behalf of a third party.

(2) Where the person or entity determines that the individual is acting on behalf of a third party, the person or entity shall keep a record that sets out

(a) The third party's name, address and date of birth and the nature of the principal business or occupation of the third party, if the third party is an individual;

(b) If the third party is an entity, the third party's name and address and the nature of the principal business of the third party, and, if the entity is a corporation, the entity's incorporation number and its place of issue; and

(c) the nature of the relationship between the third party and the individual who gives the cash.

(3) Where the person or entity is not able to determine whether the individual is acting on behalf of a third party but there are reasonable grounds to suspect that the individual is doing so, the person or entity shall keep a record that

(a) indicates whether, according to the individual, the transaction is being conducted on behalf of a third party; and

(b) describes the reasonable grounds to suspect that the individual is acting on behalf of a third party.

9. (1) Subject to subsections (4) and (4.1), every person or entity that is required to keep a signature card or an account operating agreement in respect of an account under these Regulations shall, at the time that the account is opened, take reasonable measures to determine whether the account is to be used by or on behalf of a third party.

(2) Subject to subsections (5) and (6), where the person or entity determines that the account is to be used by or on behalf of a third party, the person or entity shall keep a record that sets out

(a) the third party's name, address and date of birth and the nature of the principal business or occupation of the third party, if the third party is an individual;

(b) if the third party is an entity, the third party's name and address and the nature of the principal business of the third party, and, if the entity is a corporation, the entity's incorporation number and its place of issue; and

(c) the nature of the relationship between the third party and the account holder.

(3) Where the person or entity is not able to determine if the account is to be used by or on behalf of a third party but there are reasonable grounds to suspect that it will be so used, the person or entity shall keep a record that

(a) indicates whether, according to the individual who is authorized to act in respect of the account, the account is to be used by or on behalf of a third party; and

(b) describes the reasonable grounds to suspect that the individual is acting on behalf of a third party.

(4) Subsection (1) does not apply in respect of an account where the account holder is a financial entity or a securities dealer that is engaged in the business of dealing in securities in Canada.

(4.1) Subsection (1) does not apply in respect of an account that is opened by a financial entity for use in relation to a credit card acquiring business.

(5) Subsection (2) does not apply where a securities dealer is required to keep an account operating agreement in respect of an account of a person or entity that is engaged in the business of dealing in securities only outside of Canada and where

(a) the account is in a country that is a member of the Financial Action Task Force;

(b) the account is in a country that is not a member of the Task Force referred to in paragraph (a) but has implemented the recommendations of the Task Force relating to customer identification and, at the time that the account is opened, the securities dealer has obtained written assurance from the entity where the account is located that the country has implemented those recommendations; or

(c) the account is in a country that is not a member of the Task Force referred to in paragraph (a) and has not implemented the recommendations of the Task Force relating to customer identification but, at the time that the account is opened, the securities dealer has ascertained the identity of all third parties relating to the account as described in subsection 64(1).

(6) Subsection (2) does not apply where

(a) the account is opened by a legal counsel, an accountant or a real estate broker or sales representative; and

(b) the person or entity has reasonable grounds to believe that the account is to be used only for clients of the legal counsel, accountant or real estate broker or sales representative, as the case may be.

10. (1) Every person or entity that is required to keep a client information record under these Regulations in respect of a client shall, at the time that the client information record is created, take reasonable measures to determine whether the client is acting on behalf of a third party.

(2) Where the person or entity determines that the client is acting on behalf of a third party, the person or entity shall keep a record that sets out

(a) the third party's name, address and date of birth and the nature of the principal business or occupation of the third party, if the third party is an individual;

(b) if the third party is a entity, the third party's name and address and the nature of the principal business of the third party, and, if the entity is a corporation, the entity's incorporation number and its place of issue; and

(c) the relationship between the third party and the client.

(3) Where the person or entity is not able to determine that the client in respect of whom the client information record is kept is acting on behalf of a third party but there are reasonable grounds to suspect that the client is so acting, the person or entity shall keep a record that

(a) indicates whether, according to the client, the transaction is being conducted on behalf of a third party; and

(b) describes the reasonable grounds to suspect that the client is acting on behalf of a third party.

INFORMATION ON BENEFICIARIES

11. A trust company that is required to keep a record in respect of an inter vivos trust in accordance with these Regulations shall keep a record that sets out the name and address of each of the beneficiaries that are known at the time that the trust company becomes a trustee for the trust and

(a) if the beneficiary is a person, their date of birth and the nature of their principal business or their occupation, as applicable; and

(b) if the beneficiary is an entity, the nature of their principal business.

INFORMATION ON DIRECTORS OR PARTNERS OR ON PERSONS WHO OWN OR CONTROL 25 PER CENT OR MORE OF A CORPORATION OR OTHER ENTITY

11.1 (1) Every financial entity or securities dealer that is required to confirm the existence of an entity in accordance with these Regulations when it opens an account in respect of that entity, every life insurance company, life insurance broker or agent or legal counsel or legal firm that is required to confirm the existence of an entity in accordance with these Regulations and every money services business that is required to confirm the existence of an entity in accordance with these Regulations when it enters into an ongoing electronic funds transfer, fund remittance or foreign exchange service agreement with that entity, or a service agreement for the issuance or redemption of money orders, traveller's cheques or other similar negotiable instruments, shall, at the time the existence of the entity is confirmed, obtain the following information:

(a) in the case of a corporation, the names of all directors of the corporation and the names and addresses of all persons who own or control, directly or indirectly, 25 per cent or more of the shares of the corporation;

(b) in the case of a trust, the names and addresses of all trustees and all known beneficiaries and settlors of the trust;

(c) in the case of an entity other than a corporation or trust, the names and addresses of all persons who own or control, directly or indirectly, 25 per cent or more of the entity; and

(d) in all cases, information establishing the ownership, control and structure of the entity.

(2) Every person or entity that is subject to subsection (1) shall take reasonable measures to confirm the accuracy of the information obtained under that subsection.

(3) The person or entity shall keep a record that sets out the information obtained and the measures taken to confirm the accuracy of that information.

(4) If the person or entity is not able to obtain the information referred to in subsection (1) or to confirm that information in accordance with subsection (2), the person or entity shall

(a) take reasonable measures to ascertain the identity of the most senior managing officer of the entity; and

(b) treat that entity as high risk for the purpose of subsection 9.6(3) of the Act and apply the prescribed special measures in accordance with section 71.1 of these Regulations.

(5) If the entity, the existence of which is being confirmed by a person or entity under subsection (1), is a not-for-profit organization, the person or entity shall determine, and keep a record that sets out, whether that entity is

(a) a charity registered with the Canada Revenue Agency under the Income Tax Act; or

(b) an organization, other than one referred to in paragraph (a), that solicits charitable donations from the public.

(6) This section does not apply in respect of a group plan account held within a dividend reinvestment plan or a distribution reinvestment plan, including a plan that permits purchases of additional shares or units by the member with contributions other than the dividends or distributions paid by the sponsor of the plan, if the sponsor of the plan is an entity whose shares or units are traded on a Canadian stock exchange, and that operates in a country that is a member of the Financial Action Task Force.

REPORTING OF FINANCIAL TRANSACTIONS AND RECORD KEEPING

FINANCIAL ENTITIES

11.2 (1) Part 1 of the Act applies to financial services cooperatives.

(2) Every credit union central is subject to Part 1 of the Act when it offers financial services to a person or entity other than a financial entity that is a member of that credit union central.

12. (1) Subject to section 50 and subsection 52(1), every financial entity shall report the following transactions and information to the Centre:

(a) the receipt from a client of an amount in cash of \$10,000 or more in the course of a single transaction, together with the information referred to in Schedule 1, unless the cash is received from another financial entity or a public body;

(b) the sending out of Canada, at the request of a client, of an electronic funds transfer of \$10,000 or more in the course of a single transaction, together with the information referred to in Schedule 2 or 5, as the case may be; and

(c) the receipt from outside Canada of an electronic funds transfer, sent at the request of a client, of \$10,000 or more in the course of a single transaction, together with the information referred to in Schedule 3 or 6, as the case may be.

(2) For greater certainty, paragraph (1)(b) does not apply when the financial entity sends an electronic funds transfer to a person or entity in Canada, even if the final recipient is outside Canada.

(3) Paragraph (1)(b) applies in respect of a financial entity that orders a person or entity, to which subsection (1), 28(1) or 40(1) applies, to send out of Canada an electronic funds transfer made at the request of a client, unless it provides that person or entity with the name and address of that client.

(4) Subject to subsection (5), for greater certainty, paragraph (1)(c) does not apply when the financial entity receives an electronic funds transfer from a person or entity in Canada, even if the initial sender is outside Canada.

(5) Paragraph (1)(c) applies in respect of a financial entity that receives an electronic funds transfer for a beneficiary in Canada from a person or entity to which subsection (1), 28(1) or 40(1) applies where the initial sender is outside Canada, unless the electronic funds transfer contains the name and address of that beneficiary.

13. Subject to subsection 52(2), every financial entity shall keep a large cash transaction record in respect of every amount in cash of \$10,000 or more that is received from a client in the course of a single transaction, unless the cash is received from another financial entity or a public body.

14. Subject to subsection 62(2), every financial entity shall keep the following records in respect of a transaction or the opening of an account other than a credit card account:

(a) where it opens an account, a signature card in respect of each account holder for that account;

(b) where it opens an account in respect of a corporation, a copy of the part of official corporate records that contains any provision relating to the power to bind the corporation in respect of the account;

(c) where it opens an account in the name of a client that is a person or an entity other than a corporation, a record of the name and address of SCHEDULE 7

the client and

(i) if the client is a person, their date of birth and the nature of their principal business or their occupation, as applicable, and

(ii) if the client is an entity other than a corporation, the nature of their principal business;

(c.1) in respect of every account that it opens, a record that sets out the intended use of the account;

(d) every account operating agreement that it creates in the normal course of business;

(e) a deposit slip in respect of every deposit that is made to an account;

(f) every debit and credit memo that it creates or receives in the normal course of business in respect of an account, except debit memos that relate to another account at the same branch of the financial entity that created the debit memo;

(g) a copy of every account statement that it sends to a client, if the information in the statement is not readily obtainable from other records that are kept and retained by it under these Regulations;

(h) every cleared cheque that is drawn on, and a copy of every cleared cheque that is deposited to, an account, unless

(i) the account on which the cheque is drawn and the account to which the cheque is deposited are at the same branch of the financial entity, or

(ii) the following conditions are met, namely,

(A) an image of the cheque has been recorded on microfilm or on an electronic medium,

(B) an image of the cheque can be readily reproduced from the microfilm or electronic medium,

(C) it is possible to readily ascertain where the image of any particular cheque is recorded, and

(D) the microfilm or electronic medium is retained for a period of at least five years;

~~(i) every client credit file that it creates in the normal course of business;~~

(i) in respect of every credit arrangement that it enters into with a client, a record of the client's financial capacity, the terms of the credit arrangement and, if the client is a person, the address of their business or place of work;

(j) a transaction ticket in respect of every foreign currency exchange transaction;

(k) where it receives an amount of \$3,000 or more from a person or from an entity other than a financial entity in consideration of the issuance of traveller's cheques, money orders or similar negotiable instruments, a record of the amount received, the date it was received, the name and address of the person who in fact gave the amount and whether the amount received was in cash, cheques, traveller's cheques, money orders or other similar negotiable instruments

(l) where, in a single transaction, it redeems one money order of \$3,000 or more, or two or more money orders that, taken together, add up to a total of \$3,000 or more, a record of the total amount of the money order or orders, the date on which the money order or orders were redeemed, the name and address of the person who made the request for the money order or orders to be redeemed and the name of the issuer of each money order;

(m) where, at the request of a client, it sends an electronic funds transfer, as prescribed by subsection 66.1(2), in an amount of \$1,000 or more, a record of

(i) if the client is a person, their name, address, date of birth and telephone number and the nature of their principal business or their occupation, as applicable,

(ii) if the client is an entity, the name, address, date of birth and telephone number of the person initiating the transaction on behalf of the entity and the nature of that person's principal business or their occupation, as applicable,

(iii) the relevant account number, if any, and the reference number, if any, of the transaction and the date of the transaction,

(iv) the name or account number of the person or entity to whom the electronic funds transfer is sent, and

(v) the amount and currency of the transaction;

(n) ~~where~~ ~~if~~ it has obtained approval under paragraph 67.1(~~b~~) (1) or (2) to keep the account of a person that ~~has been~~ ~~is~~ determined to be a politically exposed foreign person, a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons, ~~open~~, a record of

(i) the office, ~~or~~ position, organization or institution in respect of which the person ~~was~~ ~~is~~ determined to be a politically exposed foreign person, a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons,

(ii) the source, if known, of the funds that are or are expected to be deposited in the account,

(iii) the date of the determination that the person ~~was~~ **is** a politically exposed foreign person, **a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons,**

(iv) the name of the member of senior management who gave the approval to keep the account open, and

(v) the date of that approval; and

(o) ~~where if~~ a transaction has been reviewed under subsection 67.2(2) **(1) to (4)**, a record of

(i) the office, ~~or position,~~ **organization or institution** in respect of which the person ~~who initiates initiating the transaction~~ **or is** the beneficiary of the transaction ~~was~~ **is** determined to be a politically exposed foreign person, **a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons,**

(ii) the source, if known, of the funds that have been used for the transaction,

(iii) the date of the determination that the ~~person referred to in subparagraph (i) was~~ **is** a politically exposed foreign person, **a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons,**

(iv) the name of the member of senior management who reviewed the transaction, and

(v) the date of that review.

14.1 Subject to subsection 62(2), every financial entity shall, in respect of every credit card account that it opens, keep a credit card account record that includes

(a) where the account is opened in the name of a client that is a person or an entity other than a corporation, the name and address of the client and

(i) if the client is a person, their date of birth and the nature of their principal business or their occupation, as applicable, and

(ii) if the client is an entity other than a corporation, the nature of their principal business;

(b) where the account is opened in the name of a client that is a corporation, a copy of the part of official corporate records that contains any provision relating to the power to bind the corporation in respect of the account;

- (c) the name, address and telephone number of every holder of a credit card for the account;
- (d) the date of birth of every holder of a credit card for the account, if that information is known after reasonable measures have been taken by the financial entity to obtain it;
- (e) every credit card application that the financial entity receives from the client in the normal course of business;
- (f) a copy of every credit card statement that the financial entity sends to the client, if the information in the statement is not readily obtainable from other records that are kept and retained by it under these Regulations; and
- (g) where the financial entity has obtained approval under paragraph 67.1(b) (1) or (2) to keep open the account of a person that is has been determined to be a politically exposed foreign person, a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons, open
 - (i) the office, or position, organization or institution in respect of which the person was is determined to be a politically exposed foreign person, a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons,
 - (ii) the source, if known, of the funds that are or are expected to be deposited in the account,
 - (iii) the date of the determination that the person is was a politically exposed foreign person, a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons,
 - (iv) the name of the member of senior management who gave the approval to keep the account open, and
 - (v) the date of that approval.

15. (1) Every trust company shall, in addition to the records referred to in sections 13 and 14, keep the following records in respect of a trust for which it is trustee:

- (a) a copy of the trust deed;
- (b) a record of the settlor's name and address and
 - (i) if the settlor is a person, their date of birth and the nature of their principal business or their occupation, as applicable, and

(ii) if the settlor is an entity, the nature of their principal business; and

(c) where the trust is an institutional trust and the settlor is a corporation, a copy of the part of official corporate records that contains any provision relating to the power to bind the settlor in respect of the trust.

(2) In this section, “institutional trust” means a trust that is established by a corporation, partnership or other entity for a particular business purpose and includes pension plan trusts, pension master trusts, supplemental pension plan trusts, mutual fund trusts, pooled fund trusts, registered retirement savings plan trusts, registered retirement income fund trusts, registered education savings plan trusts, group registered retirement savings plan trusts, deferred profit sharing plan trusts, employee profit sharing plan trusts, retirement compensation arrangement trusts, employee savings plan trusts, health and welfare trusts, unemployment benefit plan trusts, foreign insurance company trusts, foreign reinsurance trusts, reinsurance trusts, real estate investment trusts, environmental trusts and trusts established in respect of endowments, foundations and registered charities.

15.1 (1) For the purposes of subsections 9.4(1) and (3) of the Act, the prescribed foreign entity is a foreign financial institution.

(2) Every financial entity shall, when it enters into a correspondent banking relationship, keep a record in respect of the foreign financial institution containing the following information and documents:

- (a) the name and address of the foreign financial institution;
- (b) the names of the directors of the foreign financial institution;
- (c) the primary business line of the foreign financial institution;
- (d) a copy of the most recent annual report or audited financial statement of the foreign financial institution;
- (e) a copy of the foreign financial institution’s banking licence, banking charter, authorization or certification to operate from the relevant regulatory agency or certificate of corporate status or a copy of another similar document;
- (f) a copy of the correspondent banking agreement or arrangement, or product agreements, defining the respective responsibilities of each entity;
- (g) the anticipated correspondent banking account activity of the foreign financial institution, including the products or services to be used;
- (h) a statement from the foreign financial institution that it does not have, directly or indirectly, correspondent banking relationships with shell banks;

(i) a statement from the foreign financial institution that it is in compliance with anti-money laundering and anti-terrorist financing legislation in its own jurisdiction; and

(j) the measures taken to ascertain whether there are any civil or criminal penalties that have been imposed on the foreign financial institution in respect of anti-money laundering or anti-terrorist financing requirements and the results of those measures.

(3) The financial entity shall take reasonable measures to ascertain whether the foreign financial institution has in place anti-money laundering and anti-terrorist financing policies and procedures, including procedures for approval for the opening of new accounts and, if not, shall, for the purpose of detecting any transactions that are required to be reported to the Centre under section 7 of the Act, take reasonable measures to conduct ongoing monitoring of all transactions conducted in the context of the correspondent banking relationship.

(4) For greater certainty, section 14 does not apply in respect of an account opened for a foreign financial institution in the context of a correspondent banking relationship.

LIFE INSURANCE COMPANIES AND LIFE INSURANCE BROKERS

16. Part 1 of the Act applies to life insurance brokers or agents.

17. Subject to section 20.2 and subsection 52(1), every life insurance company or life insurance broker or agent who receives from a client an amount in cash of \$10,000 or more in the course of a single transaction shall report the transaction to the Centre, together with the information referred to in Schedule 1, except

(a) if the amount is received from a financial entity or a public body; or

(b) in respect of transactions referred to in subsection 62(2) (c) to (f).

18. Subject to section 20.2 and subsection 52(2), every life insurance company or life insurance broker or agent shall keep a large cash transaction record in respect of every amount in cash of \$10,000 or more that is received from a client in the course of a single transaction, unless

(a) the cash is received from a financial entity or a public body; or

(b) the transaction is a transaction referred to in subsection 62(2) (c) to (f).

19. (1) Subject to section 20.2 and subsection 62(2), every life insurance company or life insurance broker or agent shall keep a client information record for every purchase from the company, broker or agent of an immediate or deferred annuity or a life insurance policy for which the client may pay \$10,000 or more over the duration of the annuity or policy, regardless of the means of payment.

(2) Subject to section 20.2 and subsection 62(2), in the case of a life insurance policy that is a group life insurance policy or in the case of a group annuity, the client information record shall be kept in respect of the applicant for the policy or annuity.

20. Subject to section 20.2, every life insurance company or life insurance broker or agent who keeps a client information record in respect of a corporation under subsection 19(1) shall also keep a copy of the part of official corporate records that contains any provision relating to the power to bind the corporation in respect of transactions with the life insurance company or life insurance broker or agent, if the copy of that part is obtained in the normal course of business.

20.1 Subject to section 20.2 and subsection 62(2), every life insurance company or life insurance broker or agent shall keep a record of the following information when a transaction is reviewed under subsection 67.2(2) (1) or (3):

(a) the office, ~~or position,~~ organization or institution in respect of which the person initiating the transaction is determined to be a politically exposed foreign person, a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons;

(b) the source, if known, of the funds that are used for the transaction;

(c) the date of the determination that the person is a politically exposed foreign person, a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons;

(d) the name of the member of senior management who reviewed the transaction; and

(e) the date the transaction was reviewed.

20.2 Sections 17 to 20.1 do not apply to a life insurance company or a life insurance broker or agent when they are dealing in reinsurance.

SECURITIES DEALERS

21. Subject to subsection 52(1), every securities dealer who receives from a client an amount in cash of \$10,000 or more in the course of a single transaction shall report the transaction to the Centre, together with the information set out in Schedule 1, unless the amount is received from a financial entity or a public body.

22. Subject to subsection 52(2), every securities dealer shall keep a large cash transaction record in respect of every amount in cash of \$10,000 or more that is received from a client in the course of a single transaction, unless the cash is received from a financial entity or a public body.

23. (1) Subject to subsection 62(2), every securities dealer shall keep the following records:

(a) in respect of every account that the securities dealer opens, a signature card, of the person who is authorized to give instructions in respect of the account or an account operating agreement or an account application that contains that person's signature;

~~(i) bears the signature of the person who is authorized to give instructions in respect of the account;~~

(a.1) in respect of every account that the securities dealer opens, a record that sets out the intended use of the account;

(b) where the securities dealer opens an account in respect of a corporation, a copy of the part of official corporate records that contains any provision relating to the power to bind the corporation in respect of that account;

(c) where the securities dealer opens an account in the name of a person or of an entity other than a corporation, a record of the name and address of the client and

(d) every new account application, confirmation of purchase or sale, guarantee, trade authorization, power of attorney and joint account agreement, and all correspondence that pertains to the operation of accounts, that the securities dealer creates in the normal course of business;

(e) a copy of every statement that the securities dealer sends to a client, if the information in the statement is not readily obtainable from other records that the securities dealer keeps and retains under these Regulations; and

(f) where it has obtained approval under paragraph 67.1(1) or (2) ~~(b)~~ to keep open the account of a person who is that has been determined to be a politically exposed foreign person, a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons, a record of open person was determined to be a politically exposed foreign person,

politically exposed foreign person

- (i) the office, or position, organization or institution in respect of which the person initiating the transaction is determined to be a politically exposed foreign person, a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons;
- (ii) the source, if known, of the funds that are or are expected to be deposited in the account,
- (iii) the date of the determination that the person is a politically exposed foreign person, a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons;
- (iv) the name of the member of senior management who gave the approval to keep the account open, and
- (v) the date of that approval.

MONEY SERVICES BUSINESSES

28. (1) Subject to subsection 52(1), every money services business shall report the following transactions and information to the Centre:

- (a) the receipt from a client of an amount in cash of \$10,000 or more in the course of a single transaction, together with the information referred to in Schedule 1, unless the cash is received from a financial entity or a public body;
- (b) the sending out of Canada, at the request of a client, of an electronic funds transfer of \$10,000 or more in the course of a single transaction, together with the information referred to in Schedule 2 or 5, as the case may be; and
- (c) the receipt from outside Canada of an electronic funds transfer, sent at the request of a client, of \$10,000 or more in the course of a single transaction, together with the information referred to in Schedule 3 or 6, as the case may be.

(2) For greater certainty, paragraph (1)(b) does not apply when the money services business sends an electronic funds transfer to a person or an entity in Canada, even if the final recipient is outside Canada.

(3) Paragraph (1)(b) applies in respect of a money services business that orders a person or entity, to which subsection (1), 12(1) or 40(1) applies, to send out of Canada an electronic funds transfer made at the request of a client, unless it provides that person or entity with the name and address of that client.

(4) Subject to subsection (5), for greater certainty, paragraph (1)(c) does not apply when the money services business receives an electronic funds transfer from a person or entity in Canada, even if the initial sender is outside Canada.

(5) Paragraph (1)(c) applies in respect of a money services business that receives an electronic funds transfer for a beneficiary in Canada from a person or entity to which subsection (1), 12(1) or 40(1) applies where the initial sender is outside Canada, unless the electronic funds transfer contains the name and address of that beneficiary.

29. Subject to subsection 52(2), every money services business shall keep a large cash transaction record in respect of every amount in cash of \$10,000 or more that is received from a client in the course of a single transaction, unless the cash is received from a financial entity or a public body.

30. Every money services business shall keep the following records in respect of any of the activities referred to in paragraph 5(h) of the Act:

~~(a) every client credit file that it creates in the normal course of business;~~

(a.1) every internal memorandum that it receives or creates in the normal course of business and that concerns services provided to its clients;

(b) where a client information record is created in respect of a client that is a corporation, a copy of the part of official corporate records that contains any provision relating to the power to bind the corporation in respect of transactions with the money services business, if the copy of that part is obtained in the normal course of business;

(c) where it receives an amount of \$3,000 or more from a person or from an entity other than a financial entity in consideration of the issuance of traveller's cheques, money orders or other similar negotiable instruments, a record of the amount received, the date it was received, the name, address and date of birth of the person who in fact gave the amount and whether the amount received was in cash, cheques, traveller's cheques, money orders or other similar negotiable instruments;

(d) where money orders of \$3,000 or more are cashed, a record of the name, address and date of birth of the person cashing the money orders and the name of the issuer of the money orders;

(e) where an amount of \$1,000 or more is remitted or transmitted, a record of

(i) if the client is a person, their name, address, date of birth and telephone number and the nature of their principal business or their occupation, as applicable,

(ii) if the client is an entity, the name, address, date of birth and telephone number of the person initiating the transaction on behalf of the entity and the nature of that person's principal business or their occupation, as applicable,

(iii) the reference number and date of the transaction,

(iv) the name of the person or entity to whom the amount is remitted or transmitted, and

(v) the amount and currency of the transaction; and

(f) a transaction ticket in respect of every foreign currency exchange transaction.

31. Every money services business shall keep a record of the following information when a transaction is reviewed under **any of** subsection 67.2(2) **(1)** to **(4)**:

(a) the office or position, **organization or institution** in respect of which the person who initiates ~~initiating the transaction~~ or is the beneficiary of the transaction is determined to be a politically exposed foreign person, **a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons;**

(b) the source, if known, of the funds that have been used for the transaction;

(c) the date of the determination that the person ~~referred to in paragraph (a)~~ **that the person who initiates or is the beneficiary of the transaction is a politically exposed foreign person, a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons;**

(d) the name of the member of senior management who reviewed the transaction; and

(e) the date the transaction was reviewed.

32. Every money services business that enters into an ongoing electronic funds transfer, funds remittance or foreign exchange service agreement with an entity, or a service agreement for the issuance or redemption of money orders, traveller's cheques or other negotiable instruments, shall keep a record of the name, address, date of birth and occupation of every person who has signed the agreement on behalf of the entity, a client information record with respect to the entity and a list containing the name, address and date of birth of every employee authorized to order transactions under the agreement.

BRITISH COLUMBIA NOTARIES PUBLIC AND NOTARY

33. (1) Subject to subsection (2), every British Columbia notary public and every British Columbia notary corporation is subject to Part 1 of the Act when they engage in any of the following activities on behalf of any person or entity, including the giving of instructions on behalf of any person or entity in respect of those activities:

- (a) receiving or paying funds, other than those received or paid in respect of professional fees, disbursements, expenses or bail;
- (b) purchasing or selling securities, real estate or business assets or entities; or
- (c) transferring funds or securities by any means.

(2) Subsection (1) does not apply in respect of a British Columbia notary public when they engage in any of the activities referred to in that subsection on behalf of their employer.

33.1 Subject to subsection 52(1), every British Columbia notary public and every British Columbia notary corporation that, when engaging in an activity described in section 33, receives an amount in cash of \$10,000 or more in the course of a single transaction shall report the transaction to the Centre, together with the information set out in Schedule 1, unless the cash is received from a financial entity or a public body.

33.2 (1) Subject to subsections (3) and 62(2), every British Columbia notary public and every British Columbia notary corporation shall, when engaging in an activity described in section 33, keep the following records:

- (a) a receipt of funds record in respect of every amount of \$3,000 or more that they receive in the course of a single transaction, unless the amount is received from a financial entity or a public body; and

(b) where the receipt of funds record is in respect of a client that is a corporation, a copy of the part of official corporate records that contains any provision relating to the power to bind the corporation in respect of transactions with the British Columbia notary public or British Columbia notary corporation.

(2) Subject to subsection 52(2), every British Columbia notary public and every British Columbia notary corporation shall, when engaging in an activity described in section 33, keep a large cash transaction record in respect of every amount in cash of \$10,000 or more that they receive in the course of a single transaction, unless the cash is received from a financial entity or a public body.

(3) Subsection (1) does not apply in respect of a transaction if a large cash transaction record is required by subsection (2) to be kept in respect of that same transaction.

LEGAL COUNSEL AND LEGAL FIRMS

33.3 (1) Subject to subsection (2), every legal counsel and every legal firm is subject to Part 1 of the Act when they engage in any of the following activities on behalf of any person or entity:

(a) receiving or paying funds, other than those received or paid in respect of professional fees, disbursements, expenses or bail; or

(b) giving instructions in respect of any activity referred to in paragraph (a).

(2) Subsection (1) does not apply in respect of legal counsel when they engage in any of the activities referred to in that subsection on behalf of their employer.

33.4 Subject to subsection 62(2), every legal counsel and every legal firm shall, when engaging in an activity described in section 33.3, keep the following records:

(a) a receipt of funds record in respect of every amount of \$3,000 or more that they receive in the course of a single transaction, unless the amount is received from a financial entity or a public body; and

(b) where the receipt of funds record is in respect of a client that is a corporation, a copy of the part of official corporate records that contains any provision relating to the power to bind the corporation in respect of transactions with the legal counsel or legal firm.

33.5 A legal counsel or legal firm that, in connection with a transaction, receives funds from the trust account of a legal firm or from the trust account of a legal counsel who is not acting on behalf of their employer,

(a) must keep and retain a record of that fact; and

(b) is not required to include in the receipt of funds record that is kept in respect of those funds

(i) the number and type of any account that is affected by the transaction, or

(ii) the full name of the person or entity that is the holder of that account.

ACCOUNTANTS AND ACCOUNTING FIRMS

34. (1) Subject to subsections (2) and (3), every accountant and every accounting firm is subject to Part 1 of the Act when they

(a) engage in any of the following activities on behalf of any person or entity, namely,

(i) receiving or paying funds,

(ii) purchasing or selling securities, real properties or business assets or entities, or

(iii) transferring funds or securities by any means; or

(b) give instructions on behalf of any person or entity in respect of any activity referred to in paragraph (a).

(2) Subsection (1) does not apply in respect of an accountant when they engage in any of the activities referred to in paragraph (1)(a) or (b) on behalf of their employer.

(3) For greater certainty, subsection (1) does not apply in respect of audit, review or compilation engagements, carried out in accordance with the recommendations set out in the CICA Handbook.

35. Subject to subsection 52(1), every accountant and every accounting firm that, while engaging in an activity described in section 34, receives an amount in cash of \$10,000 or more in the course of a single transaction shall report the transaction to the Centre, together with the information set out in Schedule 1, unless the cash is received from a financial entity or a public body.

36. (1) Subject to subsection 62(2), every accountant and every accounting firm shall, when engaging in an activity described in section 34, keep the following records:

(a) a receipt of funds record in respect of every amount of \$3,000 or more that they receive in the course of a single transaction, unless the amount is received from a financial entity or a public body; and

(b) where the receipt of funds record is in respect of a client that is a corporation, a copy of the part of official corporate records that contains any provision relating to the power to bind the corporation in respect of transactions with the accountant or accounting firm.

(2) Subject to subsection 52(2), every accountant and every accounting firm shall, when engaging in an activity described in section 34, keep a large cash transaction record in respect of every amount in cash of \$10,000 or more that they receive in the course of a single transaction, unless the cash is received from a financial entity or a public body.

(3) Subsection (1) does not apply in respect of a transaction if a large cash transaction record is also required by subsection (2) to be kept in respect of that same transaction.

REAL ESTATE BROKERS OR SALES REPRESENTATIVES

37. Every real estate broker or sales representative is subject to Part 1 of the Act when they act as an agent in respect of the purchase or sale of real estate.

38. Subject to subsection 52(1), every real estate broker or sales representative who, while engaging in an activity described in section 37, receives an amount in cash of \$10,000 or more in the course of a single transaction shall report the transaction to the Centre, together with the information set out in Schedule 1, unless the amount is received from a financial entity or a public body.

39. (1) Subject to subsections (3), (4), (5), (6), 52(2) and 62(2), every real estate broker or sales representative shall, when engaging in an activity described in section 37, keep the following records:

(a) a receipt of funds record in respect of every amount that they receive in the course of a single transaction, unless the amount is received from a financial entity or a public body;

(b) a client information record in respect of every purchase or sale of real estate; and

(c) where the receipt of funds record or the client information record is in respect of a corporation, a copy of the part of official corporate records that contains any provision relating to the power to bind the corporation in respect of transactions with the real estate broker or sales representative.

(2) Subject to subsection 52(2), every real estate broker or sales representative shall, when engaging in an activity described in section 37, keep a large cash transaction record in respect of every amount in cash of \$10,000 or more that they receive in the course of a single transaction, unless the cash is received from a financial entity or a public body.

(3) Paragraphs (1)(a) and (c) do not apply in respect of a transaction if a large cash transaction record is also required by subsection (2) to be kept in respect of that same transaction.

(4) Where two or more of the parties to a real estate transaction are represented by a real estate broker or sales representative and one of those brokers or sales representatives receives funds in respect of the transaction from a party to the transaction whom they do not represent but who is represented by another of those real estate brokers or sales representatives, the broker or sales representative that represents the party from whom the funds are received is the one that is responsible for keeping the receipt of funds record referred to in paragraph (1)(a) and, if applicable, for keeping the copy referred to in paragraph (1)(c).

(5) A real estate broker or sales representative that is responsible for keeping a receipt of funds record under subsection (4) is not required to include in that record any of the following information if, after taking reasonable measures to do so, they are unable to obtain that information:

(a) the number and type of any account that is affected by the transaction; and

(b) the full name of the person or entity that is the holder of that account.

(6) A real estate broker or sales representative that is responsible for keeping a receipt of funds record under subsection (4) and that determines that one or more of the accounts affected by the transaction is a trust account held by another real estate broker or sales representative must include that information in that record but is not required to include

(a) the number of that trust account or those trust accounts; or

(b) the full name of the person or entity that is the holder of that trust account or those trust accounts.

DEALERS IN PRECIOUS METALS AND STONES

39.1 Every dealer in precious metals and stones that engages in the purchase or sale of precious metals, precious stones or jewellery in an amount of \$10,000 or more in a single transaction, other than such a purchase or sale that is carried out in the course of, in connection with or for the purpose of manufacturing jewellery, extracting precious metals or precious stones from a mine or cutting or polishing precious stones, is subject to Part 1 of the Act.

39.2 Subject to subsection 52(1), every dealer in precious metals and stones that is subject to Part 1 of the Act and that receives an amount in cash of \$10,000 or more in the course of a single transaction shall report the transaction to the Centre, together with the information set out in Schedule 1, unless the cash is received from a financial entity or a public body.

39.3 Subject to subsection 52(2), every dealer in precious metals and stones that is subject to Part 1 of the Act shall keep a large cash transaction record in respect of every amount in cash of \$10,000 or more that they receive in the course of a single transaction, unless the cash is received from a financial entity or a public body.

39.4 (1) For greater certainty, a transaction referred to in sections 39.2 and 39.3 includes the sale of precious metals, precious stones or jewellery that are left on consignment with a dealer in precious metals and stones.

(2) For the purpose of subsection (1), goods left with an auctioneer for sale at auction are not considered to be left with the auctioneer on consignment.

REAL ESTATE DEVELOPERS

39.5 (1) Every real estate developer is subject to Part 1 of the Act when

(a) in the case of a person or of an entity other than a corporation, they sell to the public a new house, a new condominium unit, a new commercial or industrial building or a new multi-unit residential building; and

(b) in the case of an entity that is a corporation, they sell to the public a new house, a new condominium unit, a new commercial or industrial building or a new multi-unit residential building on their own behalf or on behalf of a subsidiary or affiliate.

~~(2) For the purpose of subsection (1), an entity is affiliated with another entity if one of them is wholly owned by the other or both are wholly owned by the same entity.~~

39.6 Subject to subsection 52(1), every real estate developer who, when engaging in an activity described in section 39.5, receives an amount in cash of \$10,000 or more in the course of a single transaction shall report the transaction to the Centre, together with the information set out in Schedule 1, unless the cash is received from a financial entity or a public body.

39.7 (1) Subject to subsections (3), 52(2) and 62(2), every real estate developer shall, when engaging in an activity described in section 39.5, keep the following records:

(a) a receipt of funds record in respect of every amount that they receive in the course of a single transaction, unless the amount is received from a financial entity or a public body;

(b) a client information record in respect of every sale of a house, a condominium unit, a commercial or industrial building or a multi-unit residential building; and

(c) where the receipt of funds record or the client information record is in respect of a corporation, a copy of the part of official corporate records that contains any provision relating to the power to bind the corporation in respect of transactions with the real estate developer.

(2) Subject to subsection 52(2), every real estate developer shall, when engaging in an activity described in section 39.5, keep a large cash transaction record in respect of every amount in cash of \$10,000 or more that they receive in the course of a single transaction, unless the cash is received from a financial entity or a public body.

(3) Paragraphs (1)(a) and (c) do not apply in respect of a transaction if a large cash transaction record is also required by subsection (2) to be kept in respect of that same transaction.

CASINOS

40. (1) Subject to subsection 52(1), every casino shall report the following transactions and information to the Centre:

(a) the receipt from a client of an amount in cash of \$10,000 or more in the course of a single transaction, together with the information referred to in Schedule 1, unless the cash is received from a financial entity or a public body;

(b) the sending out of Canada, at the request of a client, of an electronic funds transfer of \$10,000 or more in the course of a single transaction, together with the information referred to in Schedule 5; and

(c) the receipt from outside Canada of an electronic funds transfer, sent at the request of a client, of \$10,000 or more in the course of a single transaction, together with the information referred to in Schedule 6.

(2) Subject to subsection (3), for greater certainty, paragraph (1)(b) does not apply when the casino sends an electronic funds transfer to a person or entity in Canada, even if the final recipient is outside Canada.

(3) Paragraph (1)(b) applies in respect of a casino that orders a person or entity, to which subsection (1), 12(1) or 28(1) applies, to send out of Canada an electronic funds transfer made at the request of a client, unless it provides that person or entity with the name and address of that client.

(4) Subject to subsection (5), for greater certainty, paragraph (1)(c) does not apply when the casino receives an electronic funds transfer from a person or entity in Canada, even if the initial sender is outside Canada.

(5) Paragraph (1)(c) applies in respect of a casino that receives an electronic funds transfer for a beneficiary in Canada from a person or entity to which subsection (1), 12(1) or 28(1) applies where the initial sender is outside Canada, unless the electronic funds transfer contains the name and address of that beneficiary.

41. (1) Subject to subsection 52(2), every casino shall keep a large cash transaction record in respect of every amount in cash of \$10,000 or more that it receives in the course of a single transaction, unless the amount is received from a financial entity or a public body.

(2) For greater certainty, the transactions in respect of which a casino is required to keep large cash transaction records in accordance with subsection (1) include the following transactions involving an amount in cash of \$10,000 or more:

- (a) the sale of chips, tokens or plaques;
- (b) front cash deposits;
- (c) safekeeping deposits;
- (d) the repayment of any form of credit, including repayment by markers or counter cheques;
- (e) bets of currency; and
- (f) sales of the casino's cheques.

42. (1) Every casino shall report to the Centre the disbursement of \$10,000 or more in the course of any of the following transactions, together with the information set out in Schedule 8:

- (a) the redemption of chips, tokens or plaques;
- (b) front cash withdrawals;
- (c) safekeeping withdrawals;
- (d) advances on any form of credit, including advances by markers or counter cheques;
- (e) payments on bets, including slot jackpots;
- (f) payments to a client of funds received for credit to that client or any other client;
- (g) the cashing of cheques or other negotiable instruments; and
- (h) reimbursements to clients of travel and entertainment expenses.

(2) For the purpose of subsection (1), two or more disbursements of less than \$10,000 each that are made within 24 consecutive hours and that together total \$10,000 or more are considered to be a single transaction of \$10,000 or more if an employee or a senior officer of the casino knows that the disbursements are received by, or on behalf of, the same person or entity.

(3) For the purpose of subsection (1), the requirement to report information set out in Schedule 8 does not apply in respect of information set out in an item of that Schedule that is not marked with an asterisk if, after taking reasonable measures to do so, the casino is unable to obtain the information.

(4) Despite subsection (3), for the application of subsection (2), a casino is not required to report information set out in an item of Schedule 8 that is marked with an asterisk if, after taking reasonable measures to do so, the casino is unable to obtain the information.

~~42.1 Any transaction described in section 40, 41 or 42 that occurs in the course of the business, temporarily conducted for charitable purposes in the establishment of a casino by a registered charity carried on for not more than two consecutive days at a time under the supervision of the casino, shall be reported by the supervising casino.~~

If a registered charity, as defined in subsection 248(1) of the Income Tax Act, conducts and manages, in a permanent establishment that is held out to be a casino, a lottery scheme that includes games of roulette or card games for a period of not more than two consecutive days at a time and, in doing so, acts under the supervision of the government of a province that is referred to in paragraph 5(k) of the Act, or an organization that is referred to in paragraph 5(k.2) of the Act, that conducts and manages such a lottery scheme in the same establishment,

(a) the supervision by the government or organization is considered to be an activity in which that government or organization is engaged for the purposes of paragraph 5(i) of the Act; and

(b) the lottery scheme that is conducted and managed by the registered charity is considered to be conducted and managed by the supervising government or organization.

43. Subject to subsection 62(2), every casino shall keep the following records:

(a) with respect to every client account that it opens,

(i) a signature card in respect of each account holder,

(ii) every account operating agreement that is received or created in the normal course of business,

(iii) a deposit slip in respect of every deposit that is made to the account, and

- (iv) every debit and credit memo that is received or created in the normal course of business;
- (b) where it opens a client account in respect of a corporation, a copy of the part of the official corporate records that contains any provision relating to the power to bind the corporation in respect of the account;
- (c) where it opens a client account in the name of a person or of an entity other than a corporation, a record of the name and address of the client and
 - (i) if the client is a person, their date of birth and the nature of their principal business or their occupation, as applicable, and
 - (ii) if the client is an entity other than a corporation, the nature of their principal business;
- (d) with respect to every extension of credit to a client of \$3,000 or more, an extension of credit record that indicates
 - (i) the client's name and address and
 - (A) if the client is a person, their date of birth and the nature of their principal business or their occupation, as applicable, and
 - (B) if the client is an entity, the nature of their principal business,
 - (ii) the terms and conditions of the extension of credit, and
 - (iii) the date and amount of the extension of credit;
- (e) with respect to every foreign currency exchange transaction, a transaction ticket;
- (f) where an amount of \$1,000 or more is remitted or transmitted, a record of
 - (i) if the client is a person, their name, address, date of birth and telephone number and the nature of their principal business or their occupation, as applicable,
 - (ii) if the client is an entity, the name, address, date of birth and telephone number of the person initiating the transaction on behalf of the entity and the nature of that person's principal business or their occupation, as applicable,
 - (iii) the relevant account number if any, and the reference number, if any, of the transaction and the date of the transaction,
 - (iv) the name or account number of the person or entity to whom the amount is remitted or transmitted, and

- (v) the amount and currency of the transaction; and
- (g) a copy of every report made to the Centre under subsection 42(1).

44. (1) Every casino that is required to report a disbursement under subsection 42(1) shall take reasonable measures to determine whether the person who in fact receives the disbursement is acting on behalf of a third party.

(2) Where the casino determines that the person who receives the disbursement is acting on behalf of a third party, the casino shall keep a record that sets out

(a) if the third party is a person, their name, address and date of birth and the nature of their principal business or their occupation, as applicable;

(b) if the third party is an entity, the name and address of the entity and the nature of its principal business and, if the entity is a corporation, the entity's incorporation number and the place where it was issued; and

(c) the nature of the relationship between the third party and the person who receives the disbursement.

(3) Where the casino is not able to determine whether the person who receives the disbursement is acting on behalf of a third party, but there are reasonable grounds to suspect that they are doing so, the casino shall keep a record that

(a) indicates whether, according to the person, the disbursement is being received on behalf of a third party; and

(b) describes the grounds for suspecting that the person is acting on behalf of a third party.

DEPARTMENTS AND AGENTS OR MANDATARIES OF HER MAJESTY IN RIGHT OF CANADA OR OF A PROVINCE

Acceptance of Deposit Liabilities

45. Every department and agent **or mandatory** of Her Majesty in right of Canada or of a province is subject to Part 1 of the Act when it accepts deposit liabilities in the course of providing financial services to the public.

Sale or Redemption of Money Orders

46. Every department and agent **or mandatory** of Her Majesty in right of Canada or of a province is subject to Part 1 of the Act when it sells or redeems money orders in the course of providing financial services to the public.

47. Subject to subsection 52(1), every department and agent **or mandatory** of Her Majesty in right of Canada or of a province that, while engaging in an activity referred to in section 46, receives from a client an amount in cash of \$10,000 or more in the course of a single transaction shall report the transaction to the Centre, together with the information set out in Schedule 1, unless the amount is received from a financial entity or a public body.

48. Subject to subsection 52(2), every department and agent **or mandatory** of Her Majesty in right of Canada or of a province, while engaging in an activity referred to in section 46, shall keep a large cash transaction record in respect of every amount in cash of \$10,000 or more that it receives from a client in the course of a single transaction, unless the amount is received from a financial entity or a public body.

49. Subject to subsection 62(2), every department and agent **or mandatory** of Her Majesty in right of Canada or of a province that engages in an activity referred to in section 46 shall keep the following records in respect of that activity:

(a) every client information record that is created for the purpose of an ongoing business relationship between the department or agent **or mandatory** and a client;

(b) where the client information record is in respect of a corporation, a copy of the part of official corporate records that contains any provision relating to the power to bind the corporation in respect of transactions with the department or agent **or mandatory**;

(c) where the department or agent **or mandatory** receives \$3,000 or more in consideration of the issuance of money orders or other similar negotiable instruments, a record of the date, the amount received, the name, address and date of birth of the person who in fact gives the amount and whether the amount is in cash, cheques, traveller's cheques, money orders or other similar negotiable instruments; and

(d) where money orders of \$3,000 or more are cashed, a record of the name, address and date of birth of the person cashing the money orders and the name of the issuer of the money orders.

EXCEPTIONS

50. (1) A financial entity is not required to report transactions under paragraph 12(1)(a) in respect of a business of a client, if the following conditions are met:

(a) subject to subsection (2), the client is a corporation that carries on that business as an establishment described in sector 22, 44 (excluding codes 4411, 4412 and 44831) or 45 (excluding code 45392), or code 481, 482, 485 (excluding code 4853), 51322, 51331, 61121 or 61131 of the North American Industry Classification System as that sector or code read on January 31, 2003;

(b) the client has had

(i) for the entire preceding 24-month period, an account in respect of that business with that financial entity, or

(ii) an account in respect of that business with a financial entity other than the one referred to in sub-paragraph (i), for a continuous period of 24 months ending immediately before the client opened an account with that financial entity;

(c) the financial entity has records that indicate that the client has deposited \$10,000 or more in cash into that account on an average of at least twice in every week for the preceding 12 months;

(d) the cash deposits made by the client are consistent with its usual practice in respect of the business;

(e) the financial entity has taken reasonable measures to determine the source of the cash for those deposits;

(f) subject to subsection 52(1), the financial entity has provided to the Centre the information set out in Schedule 4.

(2) Paragraph (1)(a) does not apply to a corporation that carries on a business related to pawnbroking or a corporation whose principal business is the sale of vehicles, vessels, farm machinery, aircraft, mobile homes, jewellery, precious gems or metals, antiques or art.

(3) A financial entity that, in accordance with subsection (1), chooses not to report transactions of more than \$10,000 shall report to the Centre any change in the following information, within 15 days after the change is made:

(a) the name and address of the client;

(b) the nature of the client's business; and

(c) the client's incorporation number.

(4) A financial entity that, in accordance with subsection (1), chooses not to report transactions of more than \$10,000 shall, at least once every 12 months,

(a) verify that the conditions referred to in subsection (1) are still met in respect of each client; and

(b) send a report to the Centre setting out the name and address of each client, together with the name of a senior officer of the financial entity who has confirmed that the conditions referred to in subsection (1) are still being met in respect of each client.

51. Where a person or entity maintains a list of clients for the purposes of subsection 9(3) of the Act, the list must contain the name and address of each client and be kept in paper form or in a form referred to in section 68.

52. (1) The requirement to report information set out in Schedules 1 to 6 does not apply to a person or entity in respect of information set out in an item of any of those Schedules that is not marked with an asterisk if, after taking reasonable measures to do so, the person or entity is unable to obtain the information.

(2) The requirement that a person or entity keep or retain a record or include information in it does not apply if the information that must be found in the record is readily obtainable from other records that the person or entity is required to keep or retain under these Regulations.

(3) Despite subsection (1), for the application of subsection 3(1), the requirement to report information set out in Schedules 1 to 3, 5 and 6 does not apply to a person or entity in respect of information set out in an item of any of those Schedules that is marked with an asterisk if, after taking reasonable measures to do so, the person or entity is unable to obtain the information.

(4) For greater certainty, Schedules 2 and 3 apply only to SWIFT members sending or receiving SWIFT messages.

REPORTING OF FINANCIAL TRANSACTIONS AND RECORD KEEPING

52.1 Every person or entity that enters into a business relationship under these Regulations shall keep a record that sets out the purpose and intended nature of the business relationship.

ASCERTAINING IDENTITY

PERSONS OR ENTITIES REQUIRED TO KEEP LARGE CASH TRANSACTION RECORDS

53. Subject to subsection 63(1), every person or entity that is required to keep and retain a large cash transaction record under these Regulations shall ascertain, in accordance with subsection 64(1), the identity of every person with whom the person or entity conducts a transaction in respect of which that record must be kept, other than a deposit made to a business account or a deposit made by means of an automated banking machine.

SUSPICIOUS TRANSACTIONS

53.1 (1) Except if the identity has been previously ascertained as required by these Regulations, every person or entity that is subject to these Regulations shall take reasonable measures to ascertain, in accordance with subsection 64(1), the identity of every person with whom the person or entity conducts or attempts to conduct a transaction that is required to be reported to the Centre under section 7 of the Act.

(2) Subsection (1) does not apply if the person or entity believes that complying with that subsection would inform the person that the transaction and the related information is being reported under section 7 of the Act.

53.2 For the purposes of section 9.2 of the Act, the prescribed circumstances are the circumstances in which a financial entity, a securities dealer or a casino is required to ascertain the identity of a person or confirm the existence of an entity in connection with the opening of a new account in accordance with section 64, 65 or 66, as applicable.

FINANCIAL ENTITIES

54. (1) Subject to sections 62 and 63, every financial entity shall

(a) in accordance with subsection 64(1), ascertain the identity of every person ~~who signs~~ **for whom** a signature card **is created** in respect of an account, other than a credit card account, that the financial entity opens, except in the case of a business account the signature card ~~of~~ **for which is signed by** **signature cards are created for** more than three persons **who are** authorized to act with respect to the account, if the financial entity has ascertained the identity of at least three of those persons;

(b) in accordance with subsection 64(1), ascertain the identity of every person who has not signed a signature card in respect of an account held with the financial entity ~~and has not been authorized to act with respect to such an account~~ but who conducts

(i) a transaction whereby the financial entity issues or redeems money orders, traveller's cheques or other similar negotiable instruments in an amount of \$3,000 or more,

(ii) an electronic funds transfer, as prescribed by subsection 66.1(2), in an amount of \$1,000 or more sent at the request of a client, or

(iii) a foreign currency exchange transaction of \$3,000 or more;

(d) in accordance with section 65, confirm the existence of and ascertain the name and address of every corporation for which the financial entity opens an account and the names of the corporation's directors; and

(e) in accordance with section 66, confirm the existence of every entity, other than a corporation, for which the financial entity opens an account.

(2) For the purpose of paragraph (1)(a), where the person who signs a signature card is under 12 years of age, the financial entity shall ascertain the identity of the father, mother or guardian of the person in accordance with subsection 64(1).

54.1 Subject to subsections 62(1) and (2) and section 63, every financial entity shall

(a) where the financial entity opens a credit card account in the name of a person, ascertain their identity in accordance with subsection 64(1.1);

(b) where the financial entity opens a credit card account in the name of a corporation, confirm the existence of and ascertain the name and address of the corporation and the names of its directors in accordance with section 65; and

(c) where the financial entity opens a credit card account in the name of an entity other than a corporation, confirm the existence of the entity in accordance with section 66.

54.2 (1) Subject to section 62 and subsection 63(5), every financial entity shall

(a) in accordance with subsection 67.1(2)(3), take reasonable measures to determine whether a person for whom it the financial entity opens an account is a politically exposed foreign person, a politically exposed domestic person, a head of an international organization, a family member of one of those persons or a person who is closely associated with a politically exposed foreign person;

~~(b) take reasonable measures, based on the level of the risk referred to in subsection 9.6(2) of the Act, to determine whether a person who is an existing account holder is a politically exposed foreign person; in accordance with subsection 67.2(5),~~ take reasonable measures to determine whether a person who initiates an electronic funds transfer of \$100,000 or more is a politically exposed foreign person, a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons; and

~~(c) in accordance with subsection 67.2(3), take reasonable measures to determine whether the person who initiates an electronic funds transfer of \$100,000 or more is a politically exposed foreign person; and~~ in accordance with subsection 67.2(5), take reasonable measures to determine whether a person who is a beneficiary of an electronic funds transfer of \$100,000 or more is a politically exposed foreign person, a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons.

~~(d) in accordance with subsection 67.2(3), take reasonable measures to determine whether the person who is the beneficiary of an electronic funds transfer of \$100,000 or more is a politically exposed foreign person.~~

(2) Subject to section 62 and subsection 63(5), a financial entity shall take reasonable measures on a periodic basis to determine whether a person who is an existing account holder is a politically exposed foreign person, a politically exposed domestic person, a head of an international organization, a family member of one of those persons or a person who is closely associated with a politically exposed foreign person.

(3) Subject to section 62 and subsection 63(5), if a financial entity or any of its employees or officers detects a fact that could reasonably be expected to raise reasonable grounds to suspect that a person who is an existing account holder is a politically exposed foreign person, a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons, the financial entity shall, in accordance with subsection 67.1(3), take reasonable measures to determine whether the account holder is such a person.

54.3 (1) Any financial entity that is required to ascertain the identity of any person or confirm the existence of any entity ~~in accordance with section 54 or 54.1~~ shall

(a) conduct ongoing monitoring of its business relationship with that person or entity; and

(b) keep a record of the measures taken and the information obtained under paragraph (a).

(2) This section does not apply in respect of a group plan account held within a dividend reinvestment plan or a distribution reinvestment plan, including a plan that permits purchases of additional shares or units by the member with contributions other than the dividends or distributions paid by the sponsor of the plan, if the sponsor of the plan is an entity whose shares or units are traded on a Canadian stock exchange, and that operates in a country that is a member of the Financial Action Task Force.

54.4 If, as a result of its ongoing monitoring of a business relationship under paragraph 54.3 (1)(a), the financial entity considers that the risk of a money laundering offence or terrorist activity financing offence is high, it shall treat that person or entity as high risk for the purpose of subsection 9.6(3) of the Act and apply the prescribed special measures in accordance with section 71.1 of these Regulations.

55. Subject to sections 62 and 63, every trust company shall, in addition to complying with section 54,

- (a) in accordance with subsection 64(1), ascertain the identity of every person who is the settlor of an inter vivos trust in respect of which the company is required to keep records under section 15;
- (b) in accordance with section 65, confirm the existence of and ascertain the name and address of every corporation that is the settlor of an institutional trust in respect of which the company is required to keep records in accordance with section 15;
- (c) in accordance with section 66, confirm the existence of every entity, other than a corporation, that is the settlor of an institutional trust in respect of which the company is required to keep records in accordance with section 15;
- (d) where an entity is authorized to act as a co-trustee of any trust
 - (i) confirm the existence of the entity and ascertain its name and address in accordance with section 65 or confirm the existence of the entity in accordance with section 66, as the case may be, and
 - (ii) in accordance with subsection 64(1), ascertain the identity of all persons — up to three — who are authorized to give instructions with respect to the entity's activities as co-trustee; and
- (e) in accordance with subsection 64(1), ascertain the identity of each person who is authorized to act as co-trustee of any trust.

CORRESPONDENT BANKING RELATIONSHIPS

55.1 Every financial entity that enters into a correspondent banking relationship shall

(a) ascertain the name and address of the foreign financial institution by examining a copy of the foreign financial institution's banking licence, banking charter, authorization or certification to operate from the relevant regulatory agency or certificate of corporate status or a copy of another similar document; and

(b) take reasonable measures to ascertain, based on publicly available information, whether there are any civil or criminal penalties that have been imposed on the foreign financial institution in respect of anti-money laundering or anti-terrorist financing requirements and, if so, to conduct, for the purpose of detecting any transactions that are required to be reported under section 7 of the Act, ongoing monitoring of all transactions in the context of the correspondent banking relationship.

55.2 In respect of correspondent banking relationships, where the customer of the foreign financial institution has direct access to the services provided under the correspondent banking relationship, the financial entity shall take reasonable measures to ascertain whether

(a) the foreign financial institution has, in respect of those of its customers that have direct access to the accounts of the financial entity, met requirements that are consistent with the requirements of sections 54 and 64; and

(b) the foreign financial institution has agreed to provide relevant customer identification data upon request to the financial entity.

LIFE INSURANCE COMPANIES AND LIFE INSURANCE BROKERS

56. (1) Subject to subsection (2), section 56.2 and subsections 62(2) and (3) and 63(1), every life insurance company or life insurance broker or agent shall ascertain, in accordance with subsection 64(1), the identity of every person who conducts, on the person's own behalf or on behalf of a third party, a transaction with that life insurance company or life insurance broker or agent for which a client information record is required to be kept under section 19.

(2) A life insurance company or life insurance broker or agent is not required to ascertain the identity of a person where there are reasonable grounds to believe that the person's identity has been ascertained in accordance with subsection 64(1) by another life insurance company or life insurance broker or agent in respect of the same transaction or of a transaction that is part of a series of transactions that includes the original transaction.

(3) Subject to subsections 62(2) and 63(2) and (4), every life insurance company or life insurance broker or agent shall, in accordance with section 65, confirm the existence of and ascertain the name and address of every corporation in respect of which they are required to keep a client information record and the names of the corporation's directors.

(4) Subject to subsections 62(2) and 63(3), every life insurance company or life insurance broker or agent shall, in accordance with section 66, confirm the existence of every entity, other than a corporation, in respect of which they are required to keep a client information record.

56.1 Subject to section 56.2 and subsections 62(2) and 63(5), every life insurance company or life insurance broker or agent shall, in accordance with subsection 67.2(3)(5), take reasonable measures to determine if a person who makes a lump-sum payment of \$100,000 or more in respect of an immediate or deferred annuity or life insurance policy on their own behalf or on behalf of a third party is a politically exposed foreign person, a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons.

56.2 Sections 56, 56.1, 56.3 and 56.4 do not apply to a life insurance company or a life insurance broker or agent when they are dealing in reinsurance.

56.3 Any life insurance company or life insurance broker or agent that is required to ascertain a person's the identity of any person or confirm an entity's the existence of any entity in accordance with section 56 shall

- (a) conduct ongoing monitoring of its business relationship with that person or entity; and
- (b) keep a record of the measures taken and the information obtained under paragraph (a).

56.4 If, as a result of its ongoing monitoring of a business relationship under paragraph 56.3(a), the life insurance company or life insurance broker or agent considers that the risk of a money laundering offence or terrorist activity financing offence is high, it shall treat that person or entity as high risk for the purpose of subsection 9.6(3) of the Act and apply the prescribed special measures in accordance with section 71.1 of these Regulations.

SECURITIES DEALERS

57. (1) Subject to section 62 and subsection 63(1), every securities dealer shall ascertain, in accordance with subsection 64(1), the identity of every person who is authorized to give instructions in respect of an account for which a record must be kept by the securities dealer under subsection 23(1).

(3) Subject to section 62 and subsections 63(2) and (4), every securities dealer shall, in accordance with section 65, confirm the existence of and ascertain the name and address of every corporation for which it opens an account and the names of the corporation's directors.

(4) Subject to section 62 and subsection 63(3), every securities dealer shall, in accordance with section 66, confirm the existence of every entity, other than a corporation, for which it opens an account.

57.1 (1) Subject to section 62 and subsection 63(5), every securities dealer shall, in accordance with subsection 67.1(2), take reasonable measures to determine if the person for whom they securities dealer opens an account is a politically exposed foreign person, a politically exposed domestic person, a head of an international organization, a family member of one of those persons or a person who is closely associated with a politically exposed foreign person.

(2) Subject to section 62 and subsection 63(5), every securities dealer shall take reasonable measures on a periodic basis, based on the level of the risk referred to in subsection 9.6(2) of the Act, to determine whether a person who is an existing account holder is a politically exposed foreign person, a politically exposed domestic person, a head of an international organization, a family member of one of those persons or a person who is closely associated with a politically exposed foreign person.

(3) Subject to section 62 and subsection 63(5), if a securities dealer or any of their employees or officers detects a fact that could reasonably be expected to raise reasonable grounds to suspect that a person who is an existing account holder is a politically exposed foreign person, a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons, the securities dealer shall, in accordance with subsection 67.1(3), take reasonable measures to determine whether the account holder is such a person.

57.2 Any securities dealer that is required to ascertain a person's the identity of any person or confirm the an entity's existence of any entity in accordance with section 57 shall

(a) conduct ongoing monitoring of its business relationship with that person or entity; and

(b) keep a record of the measures taken and the information obtained under paragraph (a).

57.3 If, as a result of its ongoing monitoring of a business relationship under paragraph 57.2(a), the securities dealer considers that the risk of a money laundering offence or terrorist activity financing offence is high, it shall treat that person or entity as high risk for the purpose of subsection 9.6(3) of the Act and apply the prescribed special measures in accordance with section 71.1 of these Regulations.

MONEY SERVICES BUSINESSES

59. (1) Subject to subsection 63(1), every money services business shall, in accordance with subsection 64(1), ascertain the identity of every person who conducts any of the following transactions:

- (a) the issuance or redemption of money orders, traveller's cheques or other similar negotiable instruments in an amount of \$3,000 or more;
- (b) the remittance or transmission of \$1,000 or more by any means through any person or entity; or
- (c) a foreign currency exchange transaction of \$3,000 or more.

(2) Subject to subsections (6) and 63(2) and (4), every money services business shall, in accordance with section 65, confirm the existence of every corporation in respect of which they are required to keep a client information record and ascertain the name and address of the corporation and the names of the corporation's directors.

(3) Subject to subsections (6) and 63(3), every money services business shall, in accordance with section 66, confirm the existence of every entity, other than a corporation, in respect of which they are required to keep a client information record .

(4) Subsection (1) does not apply when a person referred to in section 32 conducts a transaction on behalf of their employer under an agreement referred to in that section.

(5) Subject to section 63(5), every a money services business shall, in accordance with subsection 67.2(3) (5), take reasonable measures to determine whether

(a) ~~take reasonable measures to determine whether the~~ a person who initiates an electronic funds transfer of \$100,000 or more is a politically exposed foreign person; ~~and,~~ a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons; or

(b) ~~take reasonable measures to determine whether the~~ a person who is the beneficiary of an electronic funds transfer of \$100,000 or more is a politically exposed foreign person , a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons.

(6) Subsections (2) and (3) do not apply in respect of an entity referred to in paragraph 62(2)(m) or (n) with which the money service business has entered into a service agreement referred to in section 32.

59.01 ~~Any~~ money services business that is required to ascertain a person's the identity of ~~any person~~ or confirm the an entity's existence of ~~any entity~~ in accordance with section 59 shall

(a) conduct ongoing monitoring of its business relationship with that person or entity; and

(b) keep a record of the measures taken and the information obtained under paragraph (a).

59.02 If, as a result of its ongoing monitoring of a business relationship under paragraph 59.01(a), the money service business considers that the risk of a money laundering offence or terrorist activity financing offence is high, it shall treat that person or entity as high risk for the purpose of subsection 9.6(3) of the Act and apply the prescribed special measures in accordance with section 71.1 of these Regulations.

ACCOUNTANTS AND ACCOUNTING FIRMS

59.1 Subject to subsection 62(2) and section 63, every accountant and every accounting firm shall, in respect of a transaction for which a record is required to be kept under subsection 36(1),

(a) in accordance with subsection 64(1), ascertain the identity of every person who conducts the transaction;

(b) in accordance with section 65, confirm the existence of and ascertain the name and address of every corporation on whose behalf the transaction is conducted and the names of its directors; and

(c) in accordance with section 66, confirm the existence of every entity, other than a corporation, on whose behalf the transaction is conducted.

59.11 ~~Any~~ An accountant or accounting firm that is required to ascertain a **person's** the identity of ~~any person~~ or confirm the **an entity's** existence of ~~any entity in accordance with section 59.1~~ shall

(a) conduct ongoing monitoring of its business relationship with that person or entity; and

(b) keep a record of the measures taken and the information obtained under paragraph (a).

59.12 If, as a result of its ongoing monitoring of a business relationship under paragraph 59.11(a), the accountant or accounting firm considers that the risk of a money laundering offence or terrorist activity financing offence is high, it shall treat that person or entity as high risk for the purpose of subsection 9.6(3) of the Act and apply the prescribed special measures in accordance with

REAL ESTATE BROKERS OR SALES REPRESENTATIVES

59.2 (1) Subject to subsection 62(2) and section 63, every real estate broker or sales representative shall, in respect of a transaction for which a record is required to be kept under subsection 39(1),

(a) in accordance with subsection 64(1), ascertain the identity of every person who conducts the transaction;

(b) in accordance with section 65, confirm the existence of and ascertain the name and address of every corporation on whose behalf the transaction is conducted and the names of its directors; and

(c) in accordance with section 66, confirm the existence of every entity, other than a corporation, on whose behalf the transaction is conducted .

(2) Where the persons or entities that are parties to a real estate transaction are each represented by a different real estate broker or sales representative, the real estate broker or sales representative that represents one party is not required to ascertain the identity or the name and address of any other party or confirm their existence.

(3) Where one or more but not all of the parties to a real estate transaction are represented by a real estate broker or sales representative, each real estate broker or sales representative that represents a party to the transaction shall take reasonable measures to ascertain the identity or confirm the existence of the parties that are not so represented.

~~(4) Where a real estate broker or sales representative is not able to ascertain the identity or confirm the existence of an unrepresented party as required by subsection (3), they shall keep a record that indicates~~

~~(a) the measures they have taken to ascertain the identity or confirm the existence of that party; and~~

~~(b) the reasons why the identity of that party could not be ascertained or the existence of that party could not be confirmed.~~

59.21 Any real estate broker or sales representative that is required to ascertain the **a person's** identity of any person or confirm the an **entity's** existence of any entity in accordance with section 59.2 shall

(a) conduct ongoing monitoring of its business relationship with that person or entity; and

(b) keep a record of the measures taken and the information obtained under paragraph (a).

59.22 If, as a result of its ongoing monitoring of a business relationship under paragraph 59.21(a), the real estate broker or sales representative considers that the risk of a money laundering offence or terrorist activity financing offence is high, it shall treat that person or entity as high risk for the purpose of subsection 9.6(3) of the Act and apply the prescribed special measures in accordance with section 71.1 of these Regulations.

BRITISH COLUMBIA NOTARIES PUBLIC AND NOTARY

59.3 Subject to subsection 62(2) and section 63, every British Columbia notary public and every British Columbia notary corporation shall, in respect of a transaction for which a record is required to be kept under subsection 33.2(1),

- (a) in accordance with subsection 64(1), ascertain the identity of every person who conducts the transaction;
- (b) in accordance with section 65, confirm the existence of and ascertain the name and address of every corporation on whose behalf the transaction is conducted and the names of the corporation's directors; and
- (c) in accordance with section 66, confirm the existence of every whose behalf the transaction is conducted.

59.31 ~~Any~~ British Columbia notary public or British Columbia notary corporation that is required to ascertain **a person's** ~~the identity of any person~~ or confirm ~~the~~ **an entity's** ~~existence of any entity in accordance with section 59.3~~ shall

- (a) conduct ongoing monitoring of its business relationship with that person or entity; and
- (b) keep a record of the measures taken and the information obtained under paragraph (a).

59.32 If, as a result of its ongoing monitoring of a business relationship under paragraph 59.31(a), the British Columbia notary public or British Columbia notary corporation considers that the risk of a money laundering offence or terrorist activity financing offence is high, it shall treat that person or entity as high risk for the purpose of subsection 9.6(3) of the Act and apply the prescribed special measures in accordance with section 71.1 of these Regulations.

LEGAL COUNSEL AND LEGAL FIRMS

59.4 (1) Subject to subsections (2) and 62(2) and section 63, every legal counsel and every legal firm shall, in respect of a transaction for which a record is required to be kept under section 33.4,

- (a) in accordance with subsection 64(1), ascertain the identity of every person who conducts the transaction;

(b) in accordance with section 65, confirm the existence of and ascertain the name and address of every corporation on whose behalf the transaction is conducted and the names of the corporation's directors; and

(c) in accordance with section 66, confirm the existence of every entity, other than a corporation, on whose behalf the transaction is conducted.

(2) Subsection (1) does not apply in respect of a transaction for which funds are received by a legal counsel or legal firm from the trust account of a legal firm or from the trust account of a legal counsel who is not acting on behalf of their employer.

59.41 Any legal counsel or legal firm that is required to ascertain the identity of any person or confirm the existence of any entity in accordance with section 59.4 shall

(a) conduct ongoing monitoring of its business relationship with that person or entity; and

(b) keep a record of the measures taken and the information obtained under paragraph (a).

59.42 If, as a result of its ongoing monitoring of a business relationship under paragraph 59.41(a), the legal counsel or legal firm considers that the risk of a money laundering offence or terrorist activity financing offence is high, it shall treat that person or entity as high risk for the purpose of subsection 9.6(3) of the Act and apply the prescribed special measures in accordance with section 71.1 of these Regulations.

REAL ESTATE DEVELOPERS

59.5 Subject to subsection 62(2) and section 63, every real estate developer shall, in respect of a transaction for which a record is required to be kept under section 39.7,

(a) in accordance with subsection 64(1), ascertain the identity of every person who conducts the transaction;

(b) in accordance with section 65, confirm the existence of and ascertain the name and address of every corporation on whose behalf the transaction is conducted and the names of the corporation's directors; and

(c) in accordance with section 66, confirm the existence of every entity, other than a corporation, on whose behalf the transaction is conducted.

59.51 Any real estate developer that is required to ascertain a person's the identity of any person or confirm an entity's the existence of any entity in accordance with section 59.5 shall

- (a) conduct ongoing monitoring of its business relationship with that person or entity; and
- (b) keep a record of the measures taken and the information obtained under paragraph (a).

59.52 If, as a result of its ongoing monitoring of a business relationship under paragraph 59.51(a), the real estate developer considers that the risk of a money laundering offence or terrorist activity financing offence is high, it shall treat that person or entity as high risk for the purpose of subsection 9.6(3) of the Act and apply the prescribed special measures in accordance with section 71.1 of these Regulations.

CASINOS

60. Subject to subsections 62(1) and (2) and section 63, every casino shall

- (a) in accordance with subsection 64(1), ascertain the identity of every person for whom who signs a signature card is created in respect of an account that it the casino opens, except in the case of a business account whose signature card is signed by more than three persons authorized to act with respect to the account, if the casino has ascertained the identity of at least three of those persons;
- (b) in accordance with subsection 64(1), ascertain the identity of every person who
 - (i) receives an amount from the casino for which a record is required to be kept under paragraph 43(g),
 - (ii) conducts a transaction of \$3,000 or more with the casino for which an extension of credit record is required to be kept under paragraph 43(d),
 - (iii) conducts a foreign currency exchange transaction of \$3,000 or more with the casino for which a transaction ticket is required to be kept under paragraph 43(e), or
 - (iv) requests that an amount of \$1,000 or more be remitted or transmitted;
- (c) in accordance with subsection 64(1), ascertain the identity of every person who is a director or officer of a corporation for which the casino opens an account;
- (d) in accordance with subsection 64(1), ascertain the identity of every person who is a director or officer of a partnership for which the casino opens an account;
- (e) in accordance with section 65, confirm the existence of and ascertain the name and address of every corporation for which the casino opens an account and the names of the corporation's directors; and
- (f) in accordance with section 66, confirm the existence of every entity, other than a corporation, for which the casino opens an account.

60.1 Any casino that is required to ascertain a person's the identity of any person or confirm an entity's the existence of any entity in accordance with section 60 shall

- (a) conduct ongoing monitoring of its business relationship with that person or entity; and
- (b) keep a record of the measures taken and the information obtained under paragraph (a).

60.2 If, as a result of its ongoing monitoring of a business relationship under paragraph 60.1(a), the casino considers that the risk of a money laundering offence or that person or entity as high risk for the purpose of subsection 9.6(3) of the Act and apply the prescribed special measures in accordance with section 71.1 of these Regulations.

DEPARTMENTS OR AGENTS OR MANDATARIES OF HER MAJESTY IN RIGHT OF CANADA OR OF A PROVINCE THAT SELL OR REDEEM MONEY ORDERS

61. Subject to subsection 62(2) and section 63, a department or agent or mandatory of Her Majesty in right of Canada or of a province that engages in an activity referred to in section 46 shall

- (a) in accordance with subsection 64(1), ascertain the identity of every person in respect of whom a client information record is required to be kept under paragraph 49(a);
- (b) in accordance with subsection 64(1), ascertain the identity of every person in respect of whom they are not required to keep a client information record and who conducts a transaction that involves an amount of \$3,000 or more for the issuance or redemption of money orders or other similar negotiable instruments;
- (c) in accordance with section 65, confirm the existence of and ascertain the name and address of every corporation in respect of which a client information record is required to be kept under paragraph 49(a) and the names of the corporation's directors; and
- (d) in accordance with section 66, confirm the existence of every entity, other than a corporation, in respect of which a client information record is required to be kept under paragraph 49(a).

61.1 Any department or agent or mandatory of Her Majesty in right of Canada or of a province that engages in an activity referred to in section 46 that is required to ascertain a person's the identity of any person or confirm an entity's the existence of any entity in accordance with section 61 shall

(a) conduct ongoing monitoring of its business relationship with that person or entity; and

(b) keep a record of the measures taken and the information obtained under paragraph (a).

61.2 If, as a result of its ongoing monitoring of a business relationship under paragraph 61.1(a), the department or agent **or mandatory** of Her Majesty in right of Canada or of a province that engages in an activity referred to in section 46 considers that the risk of a money laundering offence or terrorist activity financing offence is high, it shall treat that person or entity as high risk for the purpose of subsection 9.6(3) of the Act and apply the prescribed special measures in accordance with section 71.1 ~~of these Regulations~~.

EXCEPTIONS TO RECORD-KEEPING AND ASCERTAINING

62. (1) Paragraphs 54(1)(a) and (b), 54.1(a), 54.2 **(1)**(a) and 55(a) and (e), subsections 57(1) and 57.1(1) and paragraphs 60(a) and (b) do not apply in respect of

(a) the opening of a business account in respect of which the financial entity, the securities dealer or the casino, as the case may be, has already ascertained the identity of at least three persons who are authorized to give instructions in respect of the account;

(b) the opening of an account for the sale of mutual funds where there are reasonable grounds to believe that identity has been ascertained in accordance with subsection 64(1) by a securities dealer in respect of

(i) the sale of the mutual funds for which the account has been opened, or

(ii) a transaction that is part of a series of transactions that includes that sale;

(c) a person who already has an account with the financial entity, the securities dealer or the casino, as the case may be; or

(d) the opening of an account by an entity for the deposit by a life insurance company affiliated with that entity of a death benefit under a life insurance policy or annuity where

(i) the account is opened in the name of a beneficiary that is a person,

(ii) only that death benefit may be deposited in the account, and
(iii) the policy or annuity contract, as applicable, under which the claim was made for the death benefit has been in existence for a period of at least two years before the day on which the claim for the death benefit was made.

(2) Sections 14, 14.1, 19, 20.1 and 23, subsection 33.2(1), section 33.4, subsections 36(1), 39(1) and 39.7(1), sections 43, 49, 54, 54.1, 54.2, 55, 56, 56.1, 57, 57.1 and 59.1, subsection 59.2(1) and sections 59.3, 59.4, 59.5, 60 and 61 do not apply in respect of

(a) the purchase of an exempt policy as defined in subsection 306(1) of the Income Tax Regulations;

(b) the purchase of a group life insurance policy that does not provide for a cash surrender value or a savings component;

(c) the purchase of an immediate or deferred annuity that is paid for entirely with funds that are directly transferred from a registered pension plan or from a pension plan that is required to be registered under the Pension Benefits Standards Act, 1985, or similar provincial legislation;

(d) the purchase of a registered annuity policy or a registered retirement income fund;

(e) the purchase of an immediate or deferred annuity that is paid for entirely with the proceeds of a group life insurance policy;

(f) a transaction that is part of a reverse mortgage or of a structured settlement;

(g) the opening of an account for the deposit and sale of shares from a corporate demutualization or the privatization of a Crown corporation;

(h) the opening of an account in the name of an affiliate of a financial entity, if that affiliate carries out activities that are similar to those of persons and entities referred to in paragraphs 5(a) to (g) of the Act;

(i) the opening of a registered plan account, including a locked-in retirement plan account, a registered retirement savings plan account and a group registered retirement savings plan account;

(j) the opening of an account established pursuant to the escrow requirements of a Canadian securities regulator or Canadian stock exchange or any provincial legislation;

(k) the opening of an account where the account holder or settlor is a pension fund that is regulated by or under an Act of Parliament or of the legislature of a province;

(l) the opening of an account in the name of, or in respect of which instructions are authorized to be given by, a financial entity, a securities dealer or a life insurance company or by an investment fund that is regulated under provincial securities legislation;

(m) instances where the entity in respect of which a record is otherwise required to be kept is a public body, or a corporation that has minimum net assets of \$75 million on its last audited balance sheet and whose shares are traded on a Canadian stock exchange or a stock exchange designated under subsection 262(1) of the Income Tax Act, and operates in a country that is a member of the Financial Action Task Force;

(n) instances where the entity in respect of which a record is otherwise required to be kept is a subsidiary of a public body or a corporation referred to in paragraph (m) and the financial statements of the entity are consolidated with the financial statements of that public body or corporation; or

(o) the opening of an account that is opened solely in the course of providing customer accounting services to a securities dealer.

(3) In respect of a group plan account, other than a group plan account referred to in subsection (2), a financial entity, securities dealer, life insurance company or life insurance broker or agent is not required to ascertain the identity of, or keep a signature card in respect of, any individual member of the group plan or determine whether they are a politically exposed foreign person, a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons if

(a) the member's contributions are made by the sponsor of the plan or by means of payroll deductions; and

(b) the existence of the plan sponsor has been confirmed in accordance with section 65 or 66.

~~(4) For the purpose of paragraph (1)(d), an entity is affiliated with another entity if one of them is wholly owned by the other or both are wholly owned by the same entity.~~

(5) Subsections (1) to (3) do not apply if the person or entity is required to take reasonable measures to ascertain the identity of a person in accordance with section 53.1.

63. ~~(1) Where a person has ascertained the identity of another person in accordance with section 64, the person is not required to subsequently ascertain that same identity again if they recognize that other person.~~ (1) A person or entity that has ascertained a person's identity in accordance with subsection 64(1) and complied with section 64.2 is not required to ascertain that identity again, unless they have doubts about the information that was used for that purpose.

~~(1.1) Subsection (1) does not apply where the person has doubts about the information collected.~~

~~(2) Where a person has confirmed the existence of a corporation and ascertained its name and address and the names of its directors in accordance with section 65, the person is not required to subsequently confirm or ascertain that same information.~~ (2) A person or entity that has confirmed a corporation's existence and ascertained its name and address and the names of its directors in accordance with section 65 is not required to confirm its existence or ascertain that information again, unless they have doubts about the information that was used for that purpose.

~~(3) Where a person has confirmed the existence of an entity other than a corporation in accordance with section 66, the person is not required to subsequently confirm that same information.~~ (3) A person or entity that has confirmed the existence of an entity other than a corporation in accordance with section 66 is not required to confirm its existence again, unless they have doubts about the information that was used for that purpose.

(4) Despite paragraphs 54(1)(d) and 54.1(b), subsections 56(3), 57(3) and 59(2) and paragraphs 59.1(b), 59.2(1)(b), 60(e) and 61(c), the names of a corporation's directors need not be ascertained if the corporation is a securities dealer.

(5) A person or entity that has determined that a person is a politically exposed foreign person or a family member of such a person, as the case may be in accordance with section any of paragraphs 54.2(1)(a) to (c), subsections 54.2(2) and (3), 56.1, subsections 57.1(1) to (3) or paragraphs or subsection 59(5) (a) and (b), is not required to subsequently determine if that same person is a politically exposed foreign person make the same determination again.

MEASURES FOR ASCERTAINING IDENTITY

64. (1) In the cases referred to in sections 53, 53.1, 54, paragraph 54.1(a) and sections 55, 56, 57, 59, 59.1, 59.2, 59.3, 59.4, 59.5, 60 and 61, a person's the identity of a person shall is to be ascertained, at the time referred to in subsection (2) and in accordance with subsection (3), in the following manner:

~~(a) By referring to the person's birth certificate, driver's licence, provincial health insurance card (if such use of the card is not prohibited by the applicable provincial law), passport or other similar document; or~~

(a) By referring to identification document that contains their name and photograph and that is issued by the federal government or a provincial government or by a foreign government other than a municipal government, and by verifying that the name and photograph are those of the person;

~~(b) if the person is not physically present when the account is opened, the credit card application is submitted, the trust is established, the client information record is created or the transaction is conducted,~~

~~(i) by obtaining the person's name, address and date of birth and~~

~~(A) confirming that one of the following entities has identified the person in accordance with paragraph (a), namely,~~

~~(I) an entity, referred to in any of paragraphs 5(a) to (g) of the Act, that is affiliated with the entity ascertaining the identity of the person,~~

~~(II) an entity that carries on activities outside Canada similar to the activities of a person or entity referred to in any of paragraphs 5(a) to (g) of the Act and that is affiliated with the entity ascertaining the identity of the person, or~~

~~(III) an entity that is subject to the Act and is a member of the same association as the entity ascertaining the identity of the person, and~~

~~(B) verifying that the name, address and date of birth in the record kept by that affiliated entity or that entity that is a member of the same association corresponds to the information provided in accordance with these Regulations by the person, or~~

~~(ii) subject to subsection (1.3), by using one of the following combinations of the identification methods set out in Part A of Schedule 7, namely,~~

~~(A) methods 1 and 3,~~

~~(B) methods 1 and 4,~~

~~(C) methods 1 and 5,~~

~~(D) methods 2 and 3,~~

~~(E) methods 2 and 4,~~

-
- ~~(F) methods 2 and 5,~~
 - ~~(G) methods 3 and 4, or~~
 - ~~(H) methods 3 and 5.~~

(b) by referring to information concerning them that is received by the person or entity that is ascertaining their identity on request from a federal or provincial government body — or a body that is acting as the agent or mandatary of such a body — that is authorized in Canada to ascertain the identity of persons, and by verifying that either the name and address or the name and date of birth contained in the information are those of the person;

(c) by referring to information that is contained in the person's credit file — if that file is located in Canada and has been in existence for at least three years — and by verifying that the name, address and date of birth contained in the credit file are those of the person;

(d) by doing any two of the following:

(i) referring to information from a reliable source that contains their name and address, and verifying that the name and address are those of the person,

(ii) referring to information from a reliable source that contains their name and date of birth, and verifying that the name and date of birth are those of the person, or

(iii) referring to information that contains their name and confirms that they have a deposit account or a credit card or other loan account with a financial entity, and verifying that information; or

(e) by confirming that one of the following entities previously ascertained their identity in accordance with any of paragraphs (a) to (d), and by verifying that the name, address and date of birth contained in the entity's record are those of the person:

(i) an entity that is referred to in any of paragraphs 5(a) to (g) of the Act and that is affiliated with the entity that is ascertaining the person's identity,

(ii) an entity that carries on activities outside Canada similar to the activities of a person or entity referred to in any of paragraphs 5(a) to (g) of the Act and that is affiliated with the entity that is ascertaining the person's identity, or

(iii) a financial entity that is subject to the Act and that is a member of the same financial services cooperative or credit union central as the entity that is ascertaining the person's identity.

~~(1.1) In the case referred to in paragraph 54.1(a), the identity of a person shall be ascertained by a person or entity, at the time referred to in subsection (2) and in accordance with subsection (3),~~

~~(a) by referring to the person's birth certificate, driver's licence, provincial health insurance card (if such use of the card is not prohibited by the applicable provincial law), passport or other similar document; or~~

~~(b) where the person is not physically present when the credit card application is submitted,~~

~~(i) by obtaining the person's name, address and date of birth and~~

~~(A) confirming that one of the following entities has identified the person in accordance with paragraph (a), namely,~~

~~(I) an entity, referred to in any of paragraphs 5(a) to (g) of the Act, that is affiliated with the entity ascertaining the identity of the person,~~

~~(II) an entity that carries on activities outside Canada similar to the activities of a person or entity referred to in any of paragraphs 5(a) to (g) of the Act and that is affiliated with the entity ascertaining the identity of the person, or~~

~~(III) an entity that is subject to the Act and is a member of the same association as the entity ascertaining the identity of the person, and~~

~~(B) verifying that the name, address and date of birth in the record kept by that affiliated entity or that entity that is a member of the same association corresponds to the information provided in accordance with these Regulations by the person,~~

~~(ii) subject to subsection (1.3), by using a combination of any two identification methods referred to in either Part A or Part B of Schedule 7, or~~

~~(iii) subject to subsection (1.3), where the person has no credit history in Canada and the credit limit on the card is not more than \$1,500, by using combination of any two identification methods referred to in any of Parts A, B and C of Schedule 7.~~

(1.1) For the purposes of subparagraphs (1)(d)(i) to (iii), the information that is referred to must be from different sources, and the person whose identity is being ascertained and the person or entity that is ascertaining their identity cannot be a source.

~~(1.2) for the purposes of paragraphs (1)(b)(i) and (1.1)(b)(i), an entity is affiliated with another entity if one of them is wholly owned by the other or both are wholly owned by the same entity.~~

(1.2) The person or entity that is ascertaining the identity of a person who is at least 12 years of age but not more than 15 years of age may refer under subparagraph (1)(d)(i) to information that contains the name and address of one of the person's parents or their guardian or tutor in order to verify that the address is that of the person.

~~(1.21) For the purposes of subparagraphs (1)(b)(i) and (1.1)(b)(i),~~

~~(a) a financial services cooperative and each of its members that is a financial entity are considered to be members of the same association; and~~

~~(b) a credit union central and each of its members that is a financial entity are considered to be members of the same association.~~

~~(1.3) A combination of methods referred to in sub-paragraph (1)(b)(ii) or (1.1)(b)(ii) or (iii) shall not be relied on by a person or entity to ascertain the identity of a person unless~~

~~(a) the information obtained in respect of that person from each of the two applicable identification methods is determined by the person or entity to be consistent; and~~

~~(b) the information referred to in paragraph (a) is determined by the person or entity to be consistent with the information in respect of that person, if any, that is contained in a record kept by the person or entity under these Regulations.~~

(1.3) If a document is used to ascertain identity under subsection (1), it must be original, valid and current. Other information that is used for that purpose must be valid and current and must not include an electronic image of a document.

(2) The identity shall be ascertained

(a) in the cases referred to in paragraph 54(1)(a) and subsection 57(1), and paragraph 60(a), before any transaction other than an initial deposit is carried out on an account;

(b) in the cases referred to in section 53, paragraph 54(1)(b), subsection 59(1) and paragraphs 59.3(a), 59.4(1)(a), 59.5(a), 60(b) and 61(b), at the time of the transaction;

(b.1) in the case referred to in section 53.1, before the transaction is reported as required under section 7 of the Act;

(b.2) in the case referred to in paragraph 54.1 (a), before any credit card is activated;

(c) in the cases referred to in paragraphs 55(a), (d) and (e), within 15 days after the trust company becomes the trustee;

(d) in the cases referred to in subsection 56(1) and paragraph 61(a), within 30 days after the client information record is created;

(e) in the cases referred to in paragraphs 59.1(a) and 59.2(1)(a), at the time of the transaction; ~~and~~

(e.1) in the case referred to in paragraph 60(a), before any funds are disbursed; and

(f) in the case referred to in subsection 62(3), at the time a contribution in respect of an individual member of the group plan is made to the plan, if

(i) the member's contribution is not made as described in paragraph 62(3)(a), or

(ii) the existence of the plan sponsor has not been confirmed in accordance with section 65 or 66.

~~(3) Unless otherwise specified in these Regulations, only original documents that are valid and have not expired may be referred to for the purpose of ascertaining identity in accordance with paragraph (1)(a) or (1.1)(a).~~

64.1 (1) A person or entity that is required to take measures to ascertain a **person's** identity under subsection 64(1) ~~or (1.1)~~ may rely on an agent or mandatary to take the identification **those** measures described in that subsection ~~only if that person or entity has entered into an agreement or arrangement, in writing, with that agent or mandatary for the purposes of ascertaining identity.~~

~~(2) A person or entity that enters into an agreement or arrangement referred to in subsection (1) must obtain from the agent or mandatary the customer information obtained by the agent or mandatary under that agreement or arrangement.~~

(2) The person or entity may rely on measures that were previously taken by an agent or mandatary to ascertain the person's identity if the agent or mandatary was, at the time they took the measures,

(a) acting in their own capacity, whether or not they were required to take the measures under these Regulations; or

(b) acting as an agent or mandatary under a written agreement or arrangement — entered into with another person or entity that is required to take measures to ascertain a person's identity — for the purposes of ascertaining identity under subsection 64(1).

(3) In order to rely on measures taken by an agent or mandatary under subsection (1) or (2), the person or entity shall

(a) have entered into a written agreement or arrangement with the agent or mandatary for the purposes of ascertaining a person's identity under subsection 64(1);

(b) obtain from the agent or mandatary all of the information that the agent or mandatary used to ascertain the person's identity; and

(c) be satisfied that the information is valid and current and that the agent or mandatary ascertained the person's identity in the manner described in any of paragraphs 64(1)(a) to (d).

64.2 Every person or entity that is required under these Regulations to ascertain a person's identity in connection with a record that the person or entity has created and is required to keep under these Regulations — or in connection with a transaction that they have carried out and in respect of which they are required to keep a record under these Regulations or under section 12.1 of the Proceeds of Crime (Money Laundering) and Terrorist Financing Suspicious Transaction Reporting Regulations — shall set out on or in, or include with, that record the person's name and the following information:

(a) if the person or entity referred to an identification document under paragraph 64(1)(a), the type of document referred to, its reference number and the issuing authority and, if available, the place it was issued and its expiry date;

(b) if the person or entity referred to information under paragraph 64(1)(b), the source of the information, the type of information referred to, a reference number associated with the information and the date on which the person or entity verified the information;

(c) if the person or entity referred to information under paragraph 64(1)(c), the source of the information, the reference number associated with the search of the credit file and the date on which the person or entity verified the information;

(d) if the person or entity referred to information under paragraph 64(1)(d), the source of the information, the type of information referred to and the account number contained in it — or if there is no account number contained in it, a reference number associated with the information — and the date on which the person or entity verified the information; or

(e) if the person or entity confirmed under paragraph 64(1)(e) that another entity had previously ascertained the person's identity, the name of that entity, the manner in which it previously ascertained the person's identity under any of paragraphs 64(1)(a) to (d), the applicable information set out in one of paragraphs (a) to (d) of this section that is associated with that manner of ascertaining identity and the date on which the person or entity verified the information.

65. (1) The existence of a corporation shall be confirmed and its name and address and the names of its directors shall be ascertained as of the time referred to in subsection (2), by referring to its certificate of corporate status, a record that it is required to file annually under the applicable provincial securities legislation or any other record that ascertains its existence as a corporation. The record may be in paper form or in an electronic version that is obtained from a source that is accessible to the public.

(2) The information referred to in subsection (1) shall be ascertained,

(a) in the case referred to in paragraphs 54(1)(d) and 60(e), before any transaction other than the initial deposit is carried out on the account;

(a.1) in the case referred to in paragraph 54.1(b), before any credit card is issued on the account;

(b) in the cases referred to in paragraphs 55(b) and (d), within 15 days after the trust company becomes the trustee;

(c) in the cases referred to in subsections 56(3) and 59(2) and paragraph 61(c), within 30 days after the client information record is created;

(d) in the case referred to in subsection 57(3), within 30 days after the opening of the account; and

(e) in the cases referred to in paragraphs 59.1(b), 59.2(1)(b), 59.3(b), 59.4(1)(b) and 59.5(b), within 30 days after the transaction.

(3) Where the information has been ascertained by referring to an electronic version of a record, the person or entity required to ascertain the information shall keep a record that sets out the corporation's registration number, the type of record referred to and the source of the electronic version of the record.

(4) Where the information has been ascertained by referring to a paper copy of a record, the person or entity required to ascertain the information shall retain the record or a copy of it.

66. (1) The existence of an entity, other than a corporation, shall be confirmed as of the time referred to in subsection (2), by referring to a partnership agreement, articles of association or other similar record that ascertains its existence. The record may be in paper form or in an electronic version that is obtained from a source that is accessible to the public.

(2) The existence of the entity shall be confirmed (a) in the case referred to in paragraphs 54(1)(e) and 60(f), before any transaction other than the initial deposit is carried out on the account;

(a.1) in the case referred to in paragraph 54.1(c), before any credit card is issued on the account;

- (b) in the cases referred to in paragraphs 55(c) and (d), within 15 days after the trust company becomes the trustee;
- (c) in the cases referred to in subsections 56(4) and 59(3) and paragraph 61(d), within 30 days after the client information record is created;
- (d) in the case referred to in subsection 57(4), within 30 days after the account is opened; and
- (e) in the cases referred to in paragraphs 59.1(c), 59.2(1)(c), 59.3(c), 59.4(1)(c) and 59.5(c), within 30 days after the transaction.

(3) Where the existence of the entity has been confirmed by referring to an electronic version of a record, the person or entity required to confirm that information shall keep a record that sets out the registration number of the entity whose existence is being confirmed, the type of record referred to and the source of the electronic version of the record.

(4) Where the existence of the entity has been confirmed by referring to a paper copy of a record, the person or entity required to confirm that information shall retain the record or a copy of it.

66.1 (1) The prescribed persons or entities for the purpose of section 9.5 of the Act are every financial entity, money services business and casino that is required to keep a record under these Regulations in respect of an electronic funds transfer referred to in subsection (2).

(2) Subject to subsection (3), the prescribed electronic funds transfers to which section 9.5 of the Act applies are those as defined in subsection 1(2), but including transfers within Canada that are SWIFT MT 103 messages.

(3) For greater certainty, subsection (2) does not apply in respect of

- (a) a transfer carried out using a credit or debit card, if the recipient has an agreement with the payment service provider permitting payment by such means for the provision of goods and services;
- (b) a transfer where the recipient withdraws cash from their account;
- (c) a transfer carried out by means of a direct deposit or a pre-authorized debit; or
- (d) a transfer carried out using cheque imaging and presentment.

~~67. Every person or entity that is required by these Regulations to ascertain the identity of a person in connection with a record that the person or entity has created and is required to keep under these Regulations, or a transaction that they have carried out and in respect of which they are required to keep a record under these Regulations or under section 12.1 of the Proceeds of Crime (Money Laundering) and Terrorist Financing Suspicious Transaction Reporting Regulations, shall set out on or in or include with that record the name of that person and~~

~~(a) if a birth certificate, driver's licence, provincial health insurance card (if such use of the card is not prohibited by the applicable provincial law), passport or any other similar record is relied on to ascertain the person's identity, the type and reference number of the record and the place where it was issued;~~

~~(b) if a confirmation of a cleared cheque from a financial entity is relied on to ascertain the person's identity, the name of the financial entity and the account number of the deposit account on which the cheque was drawn;~~

~~(c) if the person's identity is ascertained by confirming that they hold a deposit account with a financial entity, the name of the financial entity where the account is held and the number of the account and the date of the confirmation;~~

~~(d) if the person's identity is ascertained by relying on a previous confirmation of their identity by an entity that is affiliated with the entity ascertaining the identity of the person or an entity that is a member of the same association — being a central cooperative credit society as defined in section 2 of the Cooperative Credit Associations Act — as the entity ascertaining the identity of the person, the name of that entity and the type and reference number of the record that entity previously relied on to ascertain the person's identity;~~

~~(e) if an identification product is used to ascertain the person's identity, the name of the identification product, the name of the entity offering the product, the search reference number and the date the product was used to ascertain the person's identity;~~

~~(f) if the person's identity is ascertained by consulting a credit file kept by an entity in respect of the person, the name of the entity and the date of the consultation;~~

~~(g) if the person's identity is ascertained from an attestation signed by a commissioner of oaths in Canada or a guarantor in Canada, the attestation;~~

~~(h) if the person's identity is ascertained by consulting an independent data source, the name of the data source, the date of the consultation and the information provided by the data source;~~

(i) if the person's identity is ascertained by relying on a utility invoice issued in the person's name, the invoice or a legible photocopy or electronic image of the invoice;

(j) if the person's identity is ascertained by relying on a photocopy or electronic image of a document provided by the person, that photocopy or electronic image; and

(k) if the person's identity is ascertained by relying on a deposit account statement issued in the person's name by a financial entity, a legible photocopy or electronic image of the statement.

DUE DILIGENCE MEASURES IN RESPECT OF POLITICALLY EXPOSED FOREIGN PERSONS TO PERSONS REFERRED TO IN SUBSECTION 9.3(1) OF THE ACT

67.1 (1) A financial entity or securities dealer that has determined under paragraph 54.2(1)(a) or (b) or any of subsections 54.2(2) and (3) and section 57.1(1) to (3) that a person is a politically exposed foreign person or a family member of, or person who is closely associated with, such a person shall

(a) take reasonable measures to establish the source of the funds that have been, will be or are expected to be deposited in the account in question;

(b) subject to subsections (2) and (3), obtain the approval of senior management to keep the account open; and

(c) conduct enhanced ongoing monitoring of the activities in respect of the account for the purpose of detecting transactions that are required to be reported to the Centre under section 7 of the Act.

(2) The determination referred to in paragraph 54.2(a) and section 57.1(1) as to whether a person is a politically exposed foreign person shall be made, and the approval referred to in paragraph (1)(b) shall be obtained, within 14 days from the day on which the account is activated.

(2) A financial entity or securities dealer shall also comply with paragraphs (1)(a) to (c) if

(a) they determine under paragraph 54.2(1)(a) or any of subsections 54.2(2) and (3) or 57.1(1) to (3) that a person is a politically exposed domestic person, a head of an international organization or a family member of one of those persons or they determine under subsection 54.2(3) or 57.1(3) that a person is closely associated with a politically exposed domestic person or a head of an international organization; and

(b) they consider, based on an assessment referred to in subsection 9.6(2) of the Act, that there is a high risk of a money laundering offence or a terrorist activity financing offence.

~~(3) The approval referred to in paragraph (1)(b) shall be obtained within 14 days after the day on which a financial entity or securities dealer has determined under paragraph 54.2(b) or subsection 57.1(2) that a person is a politically exposed foreign person.~~

(3) A financial entity or securities dealer shall take the reasonable measures referred to in paragraph 54.2(1)(a) and subsections 54.2(2) and (3) and 57.1(1) to (3) — and, if applicable, shall take the measures referred to in paragraphs (1)(a) and (b) — within 30 days after the day on which the account is opened or the fact that could reasonably be expected to raise reasonable grounds to suspect is detected, as the case may be.

67.2 (1) A financial entity, life insurance company or life insurance broker or agent or money services business ~~that has determined~~ under paragraph 54.2~~(e)~~(1)(b), section 56.1 or paragraph 59(5)(a) that a person is a politically exposed person or a family member of, or person who is closely associated with, such a person,

(a) the financial entity, life insurance company, life insurance broker or agent or money services business shall take reasonable measures to establish the source of the funds that have been used for the transaction; and

(b) a member of senior management shall review the transaction.

~~(2) Where~~ If a financial entity, life insurance company, life insurance broker or agent or money services business ~~has determined~~ under paragraph 54.2(1)(c) or ~~(d), section 56.1 or subsection 59(5) or 59(5)(b)~~ that a person is a politically exposed foreign person or a family member of, or person who is closely associated with, such a person, a member of senior management shall review the transaction in question in accordance with subsection (3).

~~(3) The determination, referred to in paragraphs 54.2(c) and (d), section 56.1 and subsection 59(5), as to whether a person is a politically exposed foreign person and the review of a transaction referred to in subsection (2) shall be completed within 14 days after the day on which the transaction occurred.~~

(3) A financial entity, life insurance company, life insurance broker or agent or money services business shall also comply with paragraphs (1)(a) and (b) if they determine under paragraph 54.2(1)(b), section 56.1 or paragraph 59(5)(a) that a person is a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons and they consider, based on an assessment referred to in subsection 9.6(2) of the Act, that there is a high risk of a money laundering offence or a terrorist activity financing offence.

(4) A financial entity or money services business shall also comply with subsection (2) if they determine under paragraph 54.2(1)(c) or 59(5)(b) that a person is a politically exposed domestic person, a head of an international organization or a family member of, or person who is closely associated with, one of those persons and they consider, based on an assessment referred to in subsection 9.6(2) of the Act, that there is a high risk of a money laundering offence or a terrorist activity financing offence.

(5) A financial entity, life insurance company, life insurance broker or agent or money services business shall take the reasonable measures referred to in paragraphs 54.2(1)(b) and (c), section 56.1 and paragraphs 59(5)(a) and (b) — and, if applicable, shall take the measures referred to in paragraphs (1)(a) and (b) or subsection (2), as the case may be — within 30 days after the day on which the transaction occurs.

REASONABLE MEASURES

67.3 If a person or entity is required to take reasonable measures under paragraph 9.5(b) of the Act or under subsection 8(1), 9(1) or 10(1), paragraph 11.1(4)(a) or 14.1(d), subsection 15.1(3), 39(5), 42(3) or (4) or 44(1), paragraph 50(1)(e), subsection 52(1) or (3) or 53.1(1), any of paragraphs 54.2(1)(a) to (c), subsection 54.2(2) or (3), paragraph 55.1(b), section 55.2 or 56.1, any of subsections 57.1(1) to (3), paragraph 59(5)(a) or (b), subsection 59.2(3), paragraph 67.1(1)(a), subsection 67.1(2), paragraph 67.2(1)(a) or subsection 67.2(3) and the reasonable measures taken are unsuccessful, that person or entity shall keep a record that sets out the measures taken and the reasons why they were unsuccessful.

RETENTION OF RECORDS

~~68. Where any record is required to be kept under these Regulations, a copy of it may be kept~~

~~(a) In a machine-readable form, if a paper copy can be readily produced from it; or~~

~~(b) in an electronic form, if a paper copy can be readily produced from it and an electronic signature of the person who must sign the record in accordance with these Regulations is retained.~~

68. If any record is required to be kept under these Regulations, a copy of it may be kept in a machine-readable or electronic form if a paper copy can be readily produced from it.

69. (1) Subject to subsection (2), every person or entity that is required to obtain, keep or create records under these Regulations shall retain those records for a period of at least five years following

(a) in respect of signature cards, account operating agreements, account application forms, credit card applications and records setting out the intended use of the account, the day on which the account to which they relate is closed;

(a.1) in respect of ~~client credit files~~ records that are required to be kept under paragraph 14(i) ~~and records that are required to be kept under paragraph~~ or 14(n), 14.1(g) or 23(1)(f), the day on which the account to which they relate is closed;

(b) in respect of client information records, certificates of corporate status, records that are required to be filed annually under the applicable provincial securities legislation or other similar records that ascertain the existence of a corporation, and records that ascertain the existence of an entity, other than a corporation, including partnership agreements and articles of association, the day on which the last business transaction is conducted;

(b.1) in respect of ~~client credit files~~ records that are required to be kept under ~~paragraph 30(a), records that are required to be kept under~~ section 11.1, paragraph 14(o), subsection 15.1(2) or section 20.1 or 31, lists that are required to be kept under section 32 and records, other than client information records, that are required to be kept under that section, the day on which the last business transaction is conducted; and

(c) in respect of all other records, the day on which they were created.

(2) Where records that an individual keeps under these Regulations are the property of the individual's employer or a person or entity with which the individual is in a contractual relationship, the individual is not required to retain the records after the end of the individual's employment or contractual relationship.

70. Every record that is required to be kept under these Regulations shall be retained in such a way that it can be provided to an authorized person within 30 days after a request is made to examine it under section 62 of the Act.

COMPLIANCE

71. (1) For the purpose of subsection 9.6(1) of the Act, a person or entity referred to in that subsection shall, as applicable, implement the compliance program referred to in that subsection by

(a) appointing a person — who, where the compliance program is being implemented by a person, may be that person — who is to be responsible for the implementation of the program;

(b) developing and applying written compliance policies and procedures that are kept up to date and, in the case of an entity, are approved by a senior officer;

(c) assessing and documenting, in a manner that is appropriate for the person or entity, the risk referred to in subsection 9.6(2) of the Act, taking into consideration

(i) the person's or entity's clients and business relationships of the person or entity,

(ii) the person's or entity's products and delivery channels of the person or entity,

(iii) the person's or entity's geographic location of the activities of the person or entity,

(iii.1) any new developments in respect of, or the impact of new technologies on, the person's or entity's clients, business relationships, products or delivery channels or the geographic location of their activities,

(iii.2) in the case of an entity that is referred to in any of paragraphs 5(a) to (g) of the Act, any risk resulting from the activities of an entity that is affiliated with it and that is referred to in any of those paragraphs or from the activities of a foreign entity that is affiliated with it and that carries out activities that are similar to those of entities referred to in any of those paragraphs, and

(iv) any other relevant factor;

(d) if the person or entity has employees, agents or mandataries or other persons authorized to act on their behalf, developing and maintaining a written ongoing compliance training program for those employees, agents or mandataries or other persons; and

(e) instituting and documenting a review of the policies and procedures, the risk assessment and the training program for the purpose of testing their effectiveness, which review is required to be carried out every two years by an internal or external auditor of the person or entity, or by the person or entity if they do not have such an auditor.

(2) For the purposes of the compliance program referred to in subsection 9.6(1) of the Act, every entity referred to in that subsection shall report the following in written form to a senior officer within 30 days after the assessment:

(a) the findings of the review referred to in paragraph (1)(e);

(b) any updates made to the policies and procedures within the reporting period; and

(c) the status of the implementation of the updates to those policies and procedures.

71.1 The prescribed special measures that are required to be taken by a person or entity referred to in subsection 9.6(1) of the Act for the purpose of subsection 9.6(3) of the Act are the development and application of written policies and procedures for

(a) taking enhanced measures based on the risk assessment undertaken in accordance with subsection 9.6(2) of the Act to ascertain the identity of any person or confirm the existence of any entity in addition to the measures required in sections 54, 54.1, 55, 56, 57, 59 and 59.1, subsection 59.2(1), section 59.3, subsection 59.4(1) and sections 59.5, 60 and 61; and

(b) taking any other enhanced measure to mitigate the risks identified in accordance with subsection 9.6(3) of the Act, including,

(i) keeping client identification information and the information referred to in section 11.1 up to date, and

(ii) in addition to the measures required in sections 54.3, 56.3, 57.2, 59.01, 59.11, 59.21, 59.31, 59.41, 59.51, 60.1 and 61.1, conducting ongoing monitoring of business relationships for the purpose of detecting transactions that are required to be reported to the Centre under section 7 of the Act.

SCHEDULE 1

LARGE CASH TRANSACTION REPORT

No changes were made to the English Version.

SCHEDULE 2

OUTGOING SWIFT MESSAGES REPORT INFORMATION

No changes were made.

SCHEDULE 3

INCOMING SWIFT MESSAGES REPORT INFORMATION

No changes were made.

SCHEDULE 4

INFORMATION TO BE PROVIDED BY FINANCIAL ENTITY CHOOSING NOT TO REPORT LARGE CASH TRANSACTION WITH RESPECT TO A CLIENT'S BUSINESS

No changes were made.

SCHEDULE 5

(Paragraphs 12(1)(b), 28(1)(b) and 40(1)(b) and subsections 52(1) and (3))

OUTGOING NON-SWIFT INTERNATIONAL ELECTRONIC FUNDS TRANSFER REPORT INFORMATION

PART A — Transaction Information

1. Time Sent
- 2.* Date
- 3.* Amount of electronic funds transfer
- 4.* Currency of electronic funds transfer
5. Exchange rate

PART B — Information on Client Ordering Payment of Electronic Funds Transfer

- 1.* Client's full name
2. Client's full address
3. Client's telephone number
4. Client's date of birth
5. Client's occupation
- 6.* Client's account number, if applicable
7. Client's **type of** identifier
8. Client's Identifier Number

PART C — Information on Sender of Electronic Funds Transfer

(person or entity that sends payment instructions)

- 1.* Full name of sending institution
- 2.* Full address of sending institution

PART D — Information on Third Party where Client Ordering

Electronic Funds Transfer is Acting on Behalf of a Third Party (if applicable)

1. Third party's full name
2. Third party's full address
3. Third party's date of birth
4. Third party's occupation
5. Third party's **type of** identifier
- 6. Third party's Identifier Number**

PART E — Information on Receiver of Electronic Funds Transfer

(person or entity that receives payment instructions)

- 1.* Full name of receiving institution
- 2.* Full address of receiving institution

PART F — Information on Client to Whose Benefit the Payment is Made

- 1.* Client's full name
2. Client's full address
3. Client's telephone number
4. Client's date of birth
- 6.* Client's account number, if applicable
7. Client's **type of** identifier
- 8. Client's Identifier Number**

PART G — Information on Third Party where Client to Whose Benefit Payment is Made is Acting on Behalf of a Third Party (if applicable)

1. Third party's full name
2. Third party's full address
3. Third party's date of birth
4. Third party's occupation
5. Third party's **type of** identifier
- 6. Third party's Identifier Number**

SCHEDULE 6

(Paragraphs 12(1)(c), 28(1)(c) and 40(1)(c) and subsections 52(1) and (3))

INCOMING NON-SWIFT INTERNATIONAL ELECTRONIC FUNDS TRANSFER REPORT INFORMATION

PART A — Transaction Information

1. Time sent
- 2.* Date
- 3.* Amount of electronic funds transfer
- 4.* Currency of electronic funds transfer
5. Exchange rate

PART B — Information on Client Ordering Payment of an Electronic Funds Transfer

- 1.* Client's full name
2. Client's full address
3. Client's telephone number
4. Client's date of birth
5. Client's occupation
- 6.* Client's account number, if applicable
7. Client's **type of** identifier
8. Client's Identifier Number

PART C — Information on Sender of Electronic Funds Transfer

(person or entity that sends payment instructions)

- 1.* Full name of sending institution
- 2.* Full address of sending institution

PART D — Information on Third Party where Client Ordering

Electronic Funds Transfer is Acting on Behalf of a Third Party (if applicable)

1. Third party's full name
2. Third party's full address
4. Third party's occupation
5. Third party's **type of** identifier
6. **Third party's Identifier Number**

PART E — Information on Receiver of Electronic Funds Transfer

(person or entity that receives payment instructions)

- 1.* Full name of receiving institution
- 2.* Full address of receiving institution

PART F — Information on Client to Whose Benefit the Payment is Made

- 1.* Client's full name
2. Client's full address
3. Client's telephone number
4. Client's date of birth
5. Client's occupation
- 6.* Client's account number, if applicable
7. Client's type of identifier
8. Client's Identifier Number

PART G — Information on Third Party where Client to Whose Benefit Payment is Made is Acting on Behalf of a Third Party (if applicable)

1. Third party's full name
2. Third party's full address
3. Third party's date of birth
4. Third party's occupation
5. Third party's type of identifier
6. Third party's Identifier Number

SCHEDULE 7

~~(Subparagraphs 64(1)(b)(ii) and (1.1)(b)(ii) and (iii))~~

NON-FACE-TO-FACE IDENTIFICATION METHODS

PART A IDENTIFICATION METHODS FOR ALL REPORTING ENTITIES

IDENTIFICATION PRODUCT METHOD

~~1. This method of ascertaining a person's identity consists of referring to an independent and reliable identification product that is based on personal information in respect of the person and a Canadian credit history of the person of at least six month's duration.~~

CREDIT FILE METHOD

~~2. This method of ascertaining a person's identity consists of confirming, after obtaining authorization from the person, their name, address and date of birth by referring to a credit file in respect of that person in Canada that has been in existence for at least six months.~~

ATTESTATION METHOD

~~3. (1) This method of ascertaining a person's identity consists of obtaining an attestation from a commissioner of oaths in Canada, or a guarantor in Canada, that they have seen one of the documents referred to in paragraph 64(1)(a) of these Regulations. The attestation must be produced on a legible photocopy of the document (if such use of the document is not prohibited by the applicable provincial law) and must include~~

- ~~(a) The name, profession and address of the person providing the attestation;~~
- ~~(b) The signature of the person providing the attestation; and~~
- ~~(c) the type and number of the identifying document provided by the person.~~

~~(2) For the purpose of subsection (1), a guarantor is a person engaged in one of the following professions in Canada:~~

- ~~(a) dentist;~~
- ~~(b) medical doctor;~~

- (c) chiropractor;
- (d) judge;
- (e) magistrate;
- (f) lawyer;
- (g) notary (in Quebec);
- ~~(h) notary public;~~
- (i) optometrist;
- (j) pharmacist;
- (k) professional accountant (APA [Accredited Public Accountant], CA [Chartered Accountant], CGA [Certified General Accountant], CMA [Certified Management Accountant], PA [Public Accountant] or RPA [Registered Public Accountant]);
- ~~(l) professional engineer (P.Eng. [Professional Engineer, in a province other than Quebec] or Eng. [Engineer, in Quebec]); or~~
- ~~(m) veterinarian.~~

CLEARED CHEQUE METHOD

4. This method of ascertaining a person's identity consists of confirming that a cheque drawn by the person on a deposit account of a financial entity, other than an account referred to in section 62 of these Regulations, has been cleared.

CONFIRMATION OF DEPOSIT ACCOUNT METHOD

5. This method of ascertaining a person's identity consists of confirming that the person has a deposit account with a financial entity, other than an account referred to in section 62 of these Regulations.

PART B IDENTIFICATION METHODS FOR CREDIT CARD ACCOUNTS

IDENTIFICATION PRODUCT METHOD

1. This method of ascertaining a person's identity consists of referring to an independent and reliable identification product that is based on personal information in respect of the person and a Canadian credit history of the person of at least six month's duration.

CREDIT FILE METHOD

2. This method of ascertaining a person's identity consists of confirming, after

obtaining authorization from the person, their name, address and date of birth by referring to a credit file in respect of that person in Canada that has been in existence for at least six months.

INDEPENDENT DATA SOURCE METHOD

3. This method of ascertaining a person's identity consists of consulting a reputable and independent database that is compiled from a directory of a telecommunications entity and that contains the names, addresses and telephone numbers of individuals in order to confirm the person's name, address and telephone number.

PART C IDENTIFICATION METHODS FOR CREDIT CARD ACCOUNTS APPLICANTS WITH NO CREDIT HISTORY IN CANADA

INDEPENDENT DATA SOURCE METHOD

1. This method of ascertaining a person's identity consists of consulting a reputable and independent database that is compiled from a directory of a telecommunications entity and that contains the names, addresses and telephone numbers of individuals in order to confirm the person's name, address and telephone number.

UTILITY INVOICE METHOD

2. This method of ascertaining a person's identity consists of obtaining a utility service invoice that is issued by a Canadian utility provider in the name of the person and that includes their address.

PHOTOCOPY OF AN IDENTIFICATION DOCUMENT METHOD

3. This method of ascertaining a person's identity consists of obtaining a legible photocopy or electronic image of a document referred to in paragraph 64(1)(a) of these Regulations in respect of the person.

DEPOSIT ACCOUNT STATEMENT METHOD

4. This method of ascertaining a person's identity consists of obtaining a legible photocopy or electronic image of a deposit account statement issued by a financial entity in the name of the person.

SCHEDULE 8

LARGE CASINO DISBURSEMENT REPORT

No changes were made.