# APPENDIX F (AML/CFT Questionnaire)



**Alderney Gambling Control Commission**

**AML/CFT Questionnaire**

***<Name of regulated Alderney entity>***

***<Date>***

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**A. Guidance on completing this AML/CFT Questionnaire**

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| The purpose of this AML/CFT Questionnaire is to set out the key elements of your business’ AML/CFT infrastructure in one document, and to enable the Commission’s Inspection Team to familiarize themselves with the AML/CFT infrastructure of your business in advance of the visit.  Please note that the completion of this AML/CFT Questionnaire is required in paragraph 1.8 of the ICS Guidelines and it must form part of, and be documented in, each licensee’s internal control system.  References to the “**Regulations**” in this Questionnaire relate to the Alderney eGambling Regulations 2009, as amended.  References to the “**AML/CFT Requirements**” relates to the ML/FT requirements set out in Schedule 4 of the Alderney eGambling Ordinance, 2009 and the associated regulations of the Alderney eGambling Regulations 2009, as amended.  For definitions of the terms used within this Questionnaire, reference should be made to Schedule 4 of the Alderney eGambling Ordinance, 2009.   1. This Questionnaire is to be completed by the Board and where relevant the Money Laundering Reporting Officer and added to the licensee or Category 1 associate certificate holder’s internal control system document. In addition, it is to be updated and returned to the Commission by the date specified in the inspection letter. References in this Questionnaire to the Board include any equivalent body, i.e. Partners or Principals of the business. 2. Please provide responses to all questions. If the question is not relevant to the business, please state ‘not applicable’ in the ‘Response’ column. 3. Please cross-reference the response in the ‘Response’ column to the corresponding document(s) and the relevant section and page of the document(s) provided in the internal control system document or in the document(s) provided in support of the inspection letter response.   Should an electronic copy of this Questionnaire, or any further guidance in its completion be required, please contact the Commission either by email to your Relationship Manager or by telephone on 01481 825500. |

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| **B.** | **Corporate Governance**  **In addition to the information requested within the questions below, please provide the following items:**   * Latest final or draft internal and external audit reports that include AML/CFT controls, where applicable * Business Risk Assessment (Paragraph 2, Schedule 4 to the Ordinance and ICS guidelines 1.8.3) together with evidence of the Board’s approval of the Business Risk Assessment * Outsourcing Policy & Procedures, where applicable * Organogram; a drawing or plan that gives the names and job titles of all the staff in an organisation or department, showing how they are connected to each other   *Please ensure that the items provided are the most current versions.* | | |
| **Item** | **Question** | **Response (or cross-reference to ICS section)** | **Relevant section and page of the supporting documentation** |
|  | *Associates, Branch offices or Subsidiaries (Paragraph 14 of Ord Sch 4)* |  |  |
| 1 a. | Does the business have any associates, branch offices or subsidiaries outside of Alderney? |  |  |
| b. | If so, please describe how the business ensures that such associates, branch offices or subsidiaries demonstrate compliance with the AML/CFT Requirements and the relevant Bailiwick and Alderney AML/CFT legislation in accordance with paragraph 14 of Ord Sch 4? |  |  |
| c. | Describe the procedure for retrieving records held outside the Bailiwick and describe how the business tests that the records are readily retrievable. |  |  |

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|  | *Outsourcing* |  |  |
| 2 a. | Does the business outsource any AML/CFT functions? |  |  |
| b. | If so, please describe the assessment and monitoring of the outsourced AML/CFT function including compliance with Bailiwick and Alderney legislation. |  |  |
|  | *Record Keeping (Paragraph 12 of Ord Sch 4 )* |  |  |
| 3. | How long does the business keep account of AML/CFT records required under paragraph 12 of Ord Sch 4 ? |  |  |
| 4. | Where the business is required, in accordance with the Regulations, to provide a transaction document or any CDD information, does the business maintain a register of information provided (together with a copy of the documentation provided)? |  |  |
| 5. | In what manner or form are the business AML/CFT records maintained? |  |  |
| 6. | What procedures and controls do you have in place to ensure that records are prepared and maintained correctly (i.e. for the correct length of time and in a readily retrievable form)? |  |  |
| 7. | Please describe how the business ensures that documents are made available on a timely basis in accordance with paragraph 12(5) of Ord Sch 4 ? |  |  |
|  | *Business Risk Assessments (Paragraphs 2 and 12 of Ord Sch 4 )* |  |  |
| 8 a. | Who is responsible for carrying out the Business Risk Assessment (BRA)? |  |  |
| b. | When was the BRA last reviewed by the Board? |  |  |
| c. | How often is the BRA reviewed by the Board? |  |  |
| d. | Has the Board approved the current BRA? |  |  |
| e. | Does the business keep records of the reviews?  If so, for how long are such records kept? |  |  |
|  | *Board Review of AML/CFT Requirements(Paragraph 13(e) and 13(f) of Ord Sch 4 )* |  |  |
| 9 a. | Paragraph 13(e) of Ord Sch 4 to the Regulations states that the Board must establish and maintain an effective policy for reviewing compliance with the AML/CFT Requirements under the Regulations.  Describe the measures taken by the Board to achieve this and ensure its policy remains effective and appropriate for the business |  |  |
| b. | When was the last review undertaken? |  |  |
| c. | Upon what frequency is a review performed? |  |  |
| 10 a. | Describe the process by which the Board are informed of any non-compliance or deficiencies |  |  |
| b. | Have any deficiencies been reported during the last 12 months? |  |  |
| c. | Provide documentary evidence of how the issues were reported and corrected |  |  |
|  | *Testing/Audit of AML/CFT Policies & Procedures (Paragraph qe(e) of Ord Sch 4 )* |  |  |

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| 11. | Describe how the business's AML/CFT policies, procedures and controls are monitored and tested and what frequency they are tested |  |  |
| 12 a. | Describe how the business meets the requirement to maintain an adequately resourced and independent audit function to test compliance with the AML/CFT Requirements. |  |  |
| b. | Please include information on the independent audit function and how it is resourced. |  |  |
| 13 a. | Have there been any internal and external audit recommendations made in relation to the AML/CFT controls in the last two years? |  |  |
| b. | If so, please provide a copy of those audit recommendations |  |  |
| 14 a. | Does the business keep records of any minutes or other documents prepared in relation to the Board review of its compliance with AML/CFT Policies & Procedures and the independent audit? |  |  |
| b. | If so, how long are such documents kept for? |  |  |
|  | *Resources* |  |  |
| 15 a. | Does the business consider that it has sufficient resources in place to ensure its responsibilities under the Regulations are complied with? |  |  |
| b. | If so how is this demonstrated? |  |  |
|  | *Communication of Policies and Procedures* |  |  |
| 16. | Describe how the Board ensures that employees are aware of the AML/CFT policies and procedures. |  |  |

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| **C.** | **Policies, Procedures, Controls and Effectiveness**  **In addition to the information requested within the questions below, please provide the following items:**   * Board minutes from the last 12 months demonstrating consideration of the AML/CFT policies, procedures and controls. * The latest AML/CFT procedures and any customer take-on/due diligence checklists * PEP Policy / Procedures, if applicable * PEP Register, if applicable   *Please ensure that the items provided are the most current versions.* | | |
| **Item** | **Question** | **Response (or cross-reference to ICS section)** | **Relevant section and page of the supporting documentation** |
|  | *Internal Policies, Procedures and Controls (Regulation 175, Paragraphs 12(4), 13(b), 13(c) of Ord Sch 4 )* |  |  |
| 17. | Date of current AML/CFT policies, procedures and controls. |  |  |
| 18 a. | Does the business have internal policies, procedures and controls contained within the internal control system which are appropriate and effective for the purposes of forestalling, preventing and detecting ML/TF? |  |  |
| b. | Do they include the policies, procedures and controls set out in regulation 175(3) of the Regulations? |  |  |
| 19. | Has the business established policies and procedures to address the specific risks associated with non face to face customer relationships or transactions inherent in the eGambling industry? |  |  |
| 20. | Describe how the business takes appropriate measures to keep abreast of and guard against the use of technological developments and new methodologies in ML/TF schemes? |  |  |
| 21. | Does the business keep records of its policies, procedures and controls required under the Regulations (including previous iterations of its internal control system)?  If so, how long does it keep such records for? |  |  |
|  | *Customer relationships* |  |  |
| 22 a. | How many customer relationships do you have? |  |  |
| b. | Within the Alderney eGambling regime customer relationships and gambling transactions are classified as either standard risk or high risk; the concept of low risk does not exist.  What number and percentage of customer relationships and gambling transactions have been identified as (i) standard risk; (ii) high risk? |  |  |
| c. | What number and percentage of your total customer relationships have been taken on in the past 12 months? |  |  |
|  | *Customer risk assessments (Regulations 227 and 229)* |  |  |
| 23 a. | Describe how the assessment of risk for each customer relationship is reached i.e. high or standard? |  |  |
| b. | How is this demonstrated and how does it differ between risk categories? |  |  |

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| c. | Has a risk assessment (in accordance with regulation 227) been carried out on all existing customers? |  |  |
| d. | Where you are not being successful in obtaining information to evaluate risk level of a customer what action are you taking? |  |  |
| e. | What is documented on the results of the risk assessments undertaken? |  |  |
| 24. | On what basis and frequency is on-going re-assessment of customer risk ratings undertaken? |  |  |
|  | *Customer Due Diligence ("****CDD****") (Paragraph 3 of Ord Sch 4 )* |  |  |
| 25. | When does the business undertake CDD measures? |  |  |
| 26 a. | Has CDD been conducted on all customer relationships? |  |  |
| b. | Has your business carried out a review to ensure that all of the necessary CDD information is in place? |  |  |
|  | *Timing of identification and verification (Paragraph 5 of Ord Sch 4 )* |  |  |
| 27. | Are there circumstances when the verification of the identity of the customer is completed following the establishment of the customer relationship?  If so, what procedures are in place in accordance with Ord Sch 4 5(c)? |  |  |
|  | *Customer Due Diligence Measures: Identification and Verification (Regulations 227 and 228, Paragraphs 3, 4 of Ord Sch 4 )* |  |  |
| 28. | Describe how customers are identified and verified. |  |  |
| 29. | If the customer is not an individual (i.e. legal body such as a company or trust), please describe how the above identification and verification procedures vary. |  |  |
| 30. | Describe the process that is in place for determining the purpose and intended nature of a customer relationship. |  |  |
| 31. | Do you verify the ID of signatories to an account (including POAs, 3rd party mandate-holders etc)? |  |  |
| 32. | Do you have any customers who are not individuals? (e.g. legal bodies such as companies or partnerships?) |  |  |
| 33 a. | Are there any exceptions to customer take-on policies? |  |  |
| b. | If so, provide details of this exception policy |  |  |
|  | *Customer Identification and Verification Systems (Paragraph 7 and 13 of Ord Sch 4 )* |  |  |
| 34 a. | Describe when identification verification software is supplemented with additional forms of CDD and identity verification procedures? |  |  |
| b. | Describe the procedures and processes that you have in place to ensure that additional verification methods are used in those instances. |  |  |
| c. | Describe what additional forms of CDD and identity verification procedures are utilized. |  |  |
| 35. | Describe any additional methods and measures that have been taken in relation to client identification in order to manage and mitigate the specific risks of non face to face customer relationships or transactions inherent in the eGambling industry. |  |  |

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|  | *Non Compliance with Customer Due Diligence Measures (Paragraph 6 of Ord Sch 4 )* |  |  |
| 36. | Describe the process that is undertaken if a (potential) customer cannot be verified /CDD measures cannot be complied with? |  |  |
|  | *Anonymous Accounts/Accounts in Fictitious Names (Regulation 228)* |  |  |
| 37. | Has the business set up any anonymous customer accounts or accounts in fictitious names? |  |  |
|  | *Cash* |  |  |
| 38. | Does the business accept cash or make cash available to customers? |  |  |
|  |
|  | *Monitoring - Standard and High Risk* *(Paragraph 9 and 12 of Ord Sch 4 )* |  |  |
| 39. | Are transactions and customers monitored for suspicious transactions? |  |  |
| 40. | How does the business record information, including the background and purpose of any unusually large or complex transactions, unusual pattern of transactions, or transactions arising from a country that doesn't or insufficiently applies the FATF Recommendations, so the business can monitor the customer relationship on an ongoing basis? |  |  |
| 41. | How does the business record and store identification data so that it facilitates the ongoing monitoring of customer relationships? |  |  |
| 42. | How does the business ensure that a transaction or activity is consistent with the business' understanding of the customer, and their risk profile? |  |  |
| 43. | Does the business record any findings made when performing its ongoing and effective monitoring?  How long are these records kept for? |  |  |
| 44. | How do you determine activity triggers and thresholds to measure risk in the areas of deposits, withdrawals and gambling transactions? |  |  |
| 45. | Describe what methods and measures have been taken in relation to ongoing monitoring in order to manage and mitigate the specific risks of non face to face customer relationships or transactions inherent in the eGambling industry. |  |  |
| 46. | Describe the processes that are in place to ensure ongoing and effective monitoring of gambling transactions takes place when the business' customers effect gambling transactions on a platform operated by a Category 2 eGambling licensee or Category 2 associate certificate holder? |  |  |
| 47. | In accordance with Ord Sch 4 9(5) , where the business' customers effect gambling transactions on a platform operated by a Category 2 eGambling licensee or Category 2 associate certificate holder, does the Category 2 eGambling licensee or Category 2 associate certificate holder communicate its written findings to your MLRO? |  |  |
|  | *AGCC Notices, Instructions, Guidance (Paragraph 13 of Ord Sch 4 )* |  |  |
| 48 a. | Describe the procedure for dealing and complying with notices, guidance, instructions or counter measures received from or published by the Commission. |  |  |
| b. | How is this information disseminated to the Board and staff when appropriate? |  |  |
|  | *Intermediaries* |  |  |
| 49 a. | Do you treat any intermediaries as the customer? |  |  |
| b. | What due diligence is conducted on intermediaries? |  |  |
| c. | If so, describe in what circumstances. |  |  |
|  | **C.1 Standard Risk Relationships** |  |  |
| **Item** | **Question** | **Response (or cross-reference to ICS section)** | **Relevant section and page of the supporting documentation** |
|  | *Monitoring (Paragraph 9 o Ord Sch 4 )* |  |  |
| 50. | Describe what monitoring is performed on standard risk relationships |  |  |
| 51. | Describe the procedure for monitoring transactions and customers. |  |  |
| 52. | How often/when does monitoring occur in standard risk relationships? |  |  |
| 53. | How is monitoring undertaken either manual procedures or computerised systems?  Are exception reports used? |  |  |
| 54. | What ongoing CDD requirements do you have in place?  Do you use trigger events as part of the ongoing monitoring? |  |  |
|  | **C.2 High Risk Relationships** |  |  |
|  | **Question** | **Response (or cross-reference to ICS section)** | **Relevant section and page of the supporting documentation** |
| 55. | Describe the procedures to assess, control and monitor high risk relationships. |  |  |
|  | *Enhanced customer Due diligence (Paragraph 4 of Ord Sch 4 )* |  |  |
| 56. | In relation to which customer relationships does the business carry out enhanced CDD? |  |  |
| 57. | Describe the enhanced CDD procedure for establishing, or continuing, a relationship with high risk customers. |  |  |
|  | *Politically Exposed Persons (PEPs) (Paragraph 4(3) of Ord Sch 4 )* |  |  |
| 58. | A PEP is defined in Ord Sch 4 .  What number of high risk relationships have been identified as including one or more PEPs?  Please state the number of:   1. Foreign PEPs 2. Domestic PEPs 3. Members of International Organisations with a prominent function |  |  |
| 59. | What procedures and controls does your business have in place to identify PEPs?   1. Foreign PEPs 2. Domestic PEPs 3. Members of International Organisations with a prominent function |  |  |
| 60. | Describe the approval and sign-off procedures for the acceptance of PEPs. |  |  |
| 60 a. | PEPs are no longer to be treated as PEPs for the length of their customer relationship with your business. Describe the controls in place to determine whether a customer who is a PEP will no longer be treated as such. |  |  |
|  | *High risk jurisdictions and products/services* |  |  |

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| 61. | From which jurisdictions do the high risk relationships normally emanate? |  |  |
| 62 a. | Which products and/or services offered by the business are perceived to hold the greatest AML/CFT risks and why? |  |  |
| b. | Describe what controls are in place to mitigate these risks |  |  |
|  | *Monitoring (Paragraph 9 of Ord Sch 4 )* |  |  |
| 63. | Describe what monitoring is performed on high risk relationships. |  |  |
| 64. | How often/when does monitoring occur in high risk relationships? |  |  |
| 65. | Where any one aspect of the customer relationship is considered to carry a high risk is that relationship always categorised as high risk? |  |  |
|  | *Third Party Payments* |  |  |
| 66 a. | Is there a policy for remitting third party payments? |  |  |
| b. | If so, describe the policy and how it mitigates the associated risks |  |  |
|  | *Record Keeping (Paragraph 12 of Ord Sch 4 )* |  |  |
| 67. | Describe the policy and procedure for record keeping for high risk customer relationships and for transactions |  |  |
|  | *UN and EU Sanctions* |  |  |

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| 68 a. | How does the business check that it is meeting the requirements of the Terrorist Asset-Freezing (Bailiwick of Guernsey) Law, 2011 and the [Al-Qaida (Restrictive Measures) (Guernsey) Ordinance, 2013,](http://www.guernseylegalresources.gg/CHttpHandler.ashx?id=85350&p=0) regarding not transacting with persons on the asset freeze target lists? |  |  |
| b. | Describe the procedure for sanctions screening. |  |  |
| c. | Describe the monitoring method(s) used to identify if a customer is subject to sanctions |  |  |
| d. | How is information regarding sanctions disseminated to the staff and Board? |  |  |

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| **D.** | **MLRO**  **In addition to the information requested within the questions below, please provide the following items:**   * MLRO Reports made to the Board within the last 12 months   *Please ensure that the items provided are the most current versions.* | | |
| **Item** | **Question** | **Response (or cross-reference to ICS section)** | **Relevant section and page of the supporting documentation** |
|  | *Appointment of MLCO (Paragraph 13(a) Ord Sch 4)* |  |  |
| 69(i) | Who has been appointed MLCO? |  |  |
| 69(ii) | Describe the how the MLCO performs their role and resources available for such performance. |  |  |
| 69(iii) | Does the MLCO have any other role? If so, describe how the business manages any conflict of interest and how the roles are managed to ensure that they can be carried out adequately. |  |  |
| 69(iv) | How does the business meet the requirement of the Regulations regarding notification of MLCO appointments to the Commission and the Financial Intelligence Service? |  |  |
|  | *Appointment of MLRO/Nominated Officer (Paragraph 10 of Ord Sch 4 )* |  |  |
| 69 a. | Who has been appointed as the MLRO? |  |  |
| b. | Who has been appointed as the nominated officer (NO) to receive disclosures in the MLRO’s absence? |  |  |
| 70. | Describe the resources available for the MLRO to adequately perform their duties. |  |  |
| 71. | Describe how employees are made aware of the name of the MLRO and nominated officer. |  |  |
| 72. | How does the business meet the requirement of the Regulations regarding notification of MLRO and NO appointments to the Commission and the Financial Intelligence Service? |  |  |
|  | *Suspicions: Processes and Reporting (Paragraph 10 of Ord Sch 4 )* |  |  |
| 73. | What is the process for staff when they form a suspicion? |  |  |
| 74. | Is an internal suspicion reporting form available for staff to document their suspicion? |  |  |
| 75. | Is the register of internal disclosures (reports from staff to MLRO) reviewed and updated periodically to reflect the current position of each disclosure and of the business relationship? |  |  |
| 76 a. | Do the procedures contain reference to the provisions of the Disclosure Law and the Terrorism Law? |  |  |
| b. | Are appropriate and effective procedures and controls in place to ensure compliance with the requirements to make disclosures under the Disclosure Law and Terrorism Law? |  |  |
| 77. | Is there a policy requiring the MLRO to report suspicions to the parent or group, if applicable? |  |  |
| 78 a. | Has the business declined to register any customers or terminated any customer relationships due to suspicion of ML/TF? |  |  |
| b. | Has the business ever reported declined customers to the Financial Intelligence Service? |  |  |
| 79. | Are the STRs made to the Financial Intelligence Service in the correct format required under the Commission's guidance? |  |  |
| 80. | Which staff members have authorization to access the Financial Intelligence Service’s Themis system? |  |  |
| 81. | Is there a documented rationale for the MLRO’s decision to make/not make an STR? |  |  |
| 82. | What procedures are in place to ensure that the MLRO is given prompt access to information which may be of assistance in considering an internal report? |  |  |
| 83 a. | How many internal suspicion reports have been submitted to the MLRO during the past 12 months? |  |  |
| b. | How many disclosures of suspicion have been made by the MLRO to the Financial Intelligence Service and the Commission during the past 12 months? |  |  |
|  | *Monitoring* |  |  |
| 84. | Describe the process in place to ensure that the MLRO monitors the business relationship where disclosures have been made to the Financial Intelligence Service and the Commission. |  |  |
| 85 a. | Describe the measures you have in place to monitor the outcome of STRs |  |  |
| b. | Describe the measures in place to ensure that senior management are aware of issues arising from such reports |  |  |
|  | *Recording (Paragraph 12 of Ord Sch 4 )* |  |  |
| 86 a. | Describe how decisions to report suspicions to the Financial Intelligence Service and the Commission are documented |  |  |
| b. | Describe how decisions not to report suspicions to the Financial Intelligence Service and the Commission are documented? |  |  |
| 87 a. | Is there a register of (a) internal suspicion reports submitted by staff to MLRO and (b) STRs submitted by MLRO to the Financial Intelligence Service and the Commission? |  |  |
| b. | How long are the reports kept for? |  |  |
|  | *Corporate Governance* |  |  |
| 88 a. | To whom does the MLRO Report? |  |  |
| b. | Are there any conflicts of interest in your organogram? |  |  |
| c. | Describe how the MLRO maintains regular and direct access to the Board |  |  |
|  | *Training* |  |  |
| 89. | Describe how the MLRO maintains an awareness of AML/CFT legislation and/or global developments in the sector |  |  |

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| **E.** | **Employee Screening and Training**  **In addition to the information requested within the questions below, please provide the following items:**   * The latest AML/CFT training log   *Please ensure that the items provided are the most current versions.* | | |
| **Item** | **Question** | **Response (or cross-reference to ICS section)** | **Relevant section and page of the supporting documentation** |
|  | *Screening (Paragraph 11 of Ord Sch 4 )* |  |  |
| 90 a. | Describe screening requirements for new employees |  |  |
| b. | Are Police Checks considered? |  |  |
| c. | Are any references taken? |  |  |
|  | *Training (Paragraphs 11 of Ord Sch 4 )* |  |  |
| 91 a. | Describe what the standard AML/CFT training program consists of |  |  |
| b. | Are the AML offences and potential criminal liability of employees detailed in AML/CFT training? |  |  |
| c. | How does the business ensure that staff are aware of AML/CFT legislation? |  |  |
| d. | Is training given in relation to PEPs? |  |  |
| e. | Are employees trained on the detection of unusual or suspicious transactions, and the internal reporting of such transactions to the MLRO? |  |  |
| f. | Are employees trained on the current ML/TF techniques, trends and typologies?  If so, describe how the AML/CFT training provided takes account of local regulatory requirements and the latest technological developments in ML/TF |  |  |
| g. | Are employees trained on the CDD requirements? |  |  |
| 92 a. | Confirm that all of your employees are required to complete the AML/CFT training program. |  |  |
| b. | Describe the process for ensuring that relevant employees undertake additional AML/CFT training(i.e. "relevant employees" under the Regulations) (Ord Sch 4 [11](1)(c)). |  |  |
| 93 a. | Describe if/how the training varies depending on the nature of the employees' role or responsibilities. |  |  |
| b. | Do the Board and senior management receive additional training (specific to their responsibilities)? If yes, what additional training is received? |  |  |
| c. | Does the MLRO/nominated officer receive additional training (specific to their responsibilities)? If yes, what additional training is received?  Do MLROs/nominated officers receive training on making disclosures (i.e. STRs) under the Disclosure and Terrorism Law? |  |  |
| d. | How do you ensure that staff training is adequate and relevant to those being trained? |  |  |
| 94. | Who is responsible for AML/CFT training? |  |  |
| 95 a. | How often is AML/CFT training provided? |  |  |
| b. | Within what timeframe are new employees required to have completed their AML/CFT training? |  |  |
| 96. | How is effectiveness of AML/CFT training assessed? |  |  |

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| 97. | If there is an outsourcing agreement in place do you have controls in place to check the effectiveness of the procedures of the third party in ensuring employee competence and probity? |  |  |
|  | Records *(Paragraphs 12 of Ord Sch 4 )* |  |  |
| 98. | What AML/CFT training record does the business keep and for how long? |  |  |