



**EGMONT GROUP OF FINANCIAL INTELLIGENCE UNITS
OPERATIONAL GUIDANCE FOR FIU ACTIVITIES AND THE
EXCHANGE OF INFORMATION**

Approved by the Egmont Group Heads of Financial Intelligence Units

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EGMONT GROUP OF FINANCIAL INTELLIGENCE UNITS OPERATIONAL GUIDANCE FOR FIU ACTIVITIES AND THE EXCHANGE OF INFORMATION

Keeping in mind the diversity of the Egmont Group membership, this document has been created to provide guidance to Financial Intelligence Units (FIUs) in relation to international co-operation, information exchange and other FIU activities. It provides a framework to which the Egmont Group membership, as a whole, can aspire. FIUs are strongly encouraged to implement these guidelines to the greatest extent possible.

A. Introduction

- 1) The *Egmont Group of Financial Intelligence Units Charter* and the *Principles for Information Exchange between Financial Intelligence Units* are obligatory documents and their elements are subject to the *Support and Compliance Process*. The *Operational Guidance for FIU Activities and the Exchange of Information* can assist FIUs to become more effective and efficient; however, its elements are not subject to the *Support and Compliance Process*.
- 2) Member FIUs have identified a need to maximize/optimize information exchange and effective/efficient co-operation among and between FIUs.
- 3) As such, FIUs are encouraged to ensure that national legal standards do not inhibit the exchange of information between or among FIUs. In this essence, the Egmont Group membership affirms accession to the standards set out in the Financial Action Task Force (FATF) Recommendations and associating Interpretative Notes on *Financial Intelligence Units (Recommendation 29)* and *Other Forms of International Co-operation (Recommendation 40)*. Members are responsible to familiarize themselves with these requirements as they have not been reiterated in this document. Where the language of FATF Recommendations 29 and 40 have been reiterated in this document, it is footnoted.

B. General framework

- 4) This document is expected to evolve and strengthen over time as the Egmont Group identifies better practices and applications that assist Egmont members.
- 5) As such, additional operational guidance may result from studies and projects created by Egmont Working Groups. Although not required, member FIUs should endeavour to use these results to inform their practices when engaging in international co-operation and information exchange.

C. Egmont operational guidance

GUIDANCE FOR INTERNATIONAL CO-OPERATION AND INFORMATION EXCHANGE

- 6) Irrespective of differences in the definition of the predicate offences , FIUs should strive for the free exchange of information between FIUs.
- 7) FIUs are encouraged to discover alternative means to co-operate when confronted with obstacles.
- 8) The Egmont Group encourages the broadest information exchange and does not limit this to Egmont Group members exclusively. However, it is within the rights of every FIU to decide only to exchange information with Egmont Group members .

Channels for information exchange

- 9) FIUs are encouraged to have procedures in place to ensure that the connection to Egmont Secure Web (ESW) is adequately maintained and that it is accessed on a regular and consistent basis to ensure the timely receipt of requests for information. Ideally, FIUs should check the ESW daily, especially to ensure urgent requests are suitably addressed. The same recommendations apply for FIUs using other secure channels to exchange information.

Memoranda of Understanding between FIUs

- 10) Whenever possible, exchanges of information should take place without the need for a Memorandum of Understanding (MOU).
- 11) In cases where FIUs are required by domestic legislation to enter into MOUs in order to exchange information, consider:
 - not imposing undue impediments or limitations on the exchange of information; and
 - making all efforts to enter into such MOUs before co-operation is requested by foreign counterpart FIUs.
- 12) FIUs that do not require an MOU to share information should make their best efforts to co-operate by establishing MOUs with those FIUS that do require MOUs to share information.
- 13) FIUs that receive requests to enter into MOUs should consider prioritizing requests that come from FIUs that require MOUs by law.
- 14) Ideally, the FIU making the requesting should send a letter of interest, the text of the proposed MOU, and the relevant domestic legislation to their foreign counterpart FIU. The FIU receiving the request should endeavour to respond within a reasonable period of time, indicating proposed revisions to the draft MOU and enclosing relevant domestic

provisions. Once an agreed MOU has been reached, the parties should arrange the means for signing the memorandum.

15) The Egmont Group provides a model MOU which FIUs are free to use in negotiations.

Guidance for FIUs making requests

16) FIUs should endeavor to co-operate with foreign counterpart FIUs as soon as the assistance required is identified.

17) If necessary, the FIU making the request can identify a deadline or an urgent request, including justification. This will allow the FIU receiving the request to accurately prioritize the request. Where a request is only deemed partially urgent, the relevant urgent sections should be clearly identified. FIUs should refrain from arbitrary use of this terminology. Requests designated as urgent should remain the exception rather than the rule.

18) Where appropriate, especially in the case of urgent requests, and to speed up proceedings, the requesting FIU may ask for prior consent for further use of the information to be granted directly, together with the reply itself. In such cases, the FIU making the request is required to give all details necessary for the FIU receiving the request to determine whether prior consent can be granted (for example, purpose of the request, institution, to whom the information will be disclosed and for what reason).

19) FIUs requesting information are encouraged to disclose all information needed so the FIU receiving the request can properly process the request. This information ideally includes:

- the reason for the request;
- a description of the suspicious activities under analysis and the grounds for suspicion;
- details of the persons or companies involved (name and date of birth for individuals; name and registered office for companies) as well as the transactions and the accounts used.
- the information requested and the purpose for which it will be used, including, if foreseen, further dissemination;
- whether the request for information is based on reports or information received or is on behalf of another authority. If the request is on behalf of another domestic agency, that agency should be clearly identified along with the expected use of the information;
- whether the FIU receiving the request is authorized to disclose the request, in full or in part, to third parties, if such disclosure is required to obtain the requested information;
- signature from authorizing official;
- range of period to be analyzed; and
- any need for urgency.

- 20) FIUs are encouraged to use the Egmont Request for FIU Information form and cover letter. Templates can be found in Annex A and B.

Guidance for FIUs receiving requests

- 21) All incoming requests for information should be answered as soon as possible, whether positive or negative. Ideally, acknowledgement of receipt should include a case reference number, the case number of the FIU making the request, and contact details of the analyst responsible for responding to the FIU making the request. The turnaround time of each request may differ, depending on the nature of the request. While acknowledging the need for flexibility, the following turnaround times are provided as a guide:
- Responses: As deemed appropriate and timely, consistent with the urgency of the request, or within one month if possible. Additional time is reasonable if there is need to query external databases or third parties. Ideally, negative responses are provided as soon as possible.
 - Feedback: As deemed appropriate and upon request.¹
- 22) FIUs should consider prioritizing urgent requests, and liaise with the FIU making the request if there are any concerns about the classification of the request. Ideally, foreign counterpart FIU requests for information should be processed in the same timely manner as domestic request for information.
- 23) Where the FIU receiving the request needs to query external databases or third parties, they should consider informing the FIU making the request that such information is not directly available and that external sources are being consulted. If a long wait time is anticipated, the FIU receiving the request should consider providing the requesting FIU with the information readily available and identifying when they expect to be able to more fully reply.
- 24) Further, when FIUs need to approach third parties (for example, designated non-financial businesses and professions) to obtain requested information, the FIU receiving the request is encouraged to discuss this with the FIU making the request, to ensure that approaching third parties would not adversely affect their actions or inquiries/investigations.
- 25) FIUs should consider establishing mechanisms to monitor request -related information, enabling them to detect new information they receive that is related to previously received requests (information regarding transactions, Suspicious Transactions Report (STRs), other disclosures etc.). This would enable FIUs to inform former requestors of new and relevant material related to their prior request.
- 26) The FIU receiving the request should identify if they want feedback on the usefulness of the information provided. When the FIU making the request is not able to provide such feedback, it should reply stating the reasons why the requested feedback cannot be provided.

¹ FATF Recommendation 40, Interpretative Note paragraph 8.

- 27) Regarding quality of exchanged information, FIUs should consider the following elements:
- timeliness—timely assistance to the requesting FIU;
 - coverage—the extent to which a response has covered the query;
 - detail—the level of detail provided; and
 - relevance—the added value provided relevant to the objective of the query.

FIUs are encouraged to communicate with one another, taking into consideration timeliness, coverage, detail and relevance of provided information.

Networking and multilateral co-operation

- 28) While in the midst of bilateral exchanges, FIUs may identify links or connections to additional countries. In such cases, the FIUs, upon consent, are encouraged to broaden the co-operation to include other relevant FIUs.
- 29) While acknowledging the prior consent rule, FIUs are encouraged to broaden co-operation when there are clear links to all countries involved.

Reciprocity

- 30) Differences in the available information or powers to access information for domestic analysis (which in turn depend upon differences in the analysis function carried out by FIUs) do not affect the condition of reciprocity *per se*.
- 31) Counterparts should be able to provide financial, administrative and law enforcement information and make use of the powers available for domestic analysis in order to obtain the requested information. FIUs involved in the exchange do not need to have access to, and the capacity to exchange, the same information.

Diagonal co-operation

- 32) The Egmont Group acknowledges that, under an FIU's national law, the FIU retains discretion on whether or not to engage in diagonal co-operation.
- 33) FIUs that decide to engage in diagonal co-operation with non-counterparts should consider using the FIU-to-FIU channel to ensure maximum protection and integrity of the STR information exchange. In such cases FIUs should consider the following process:
- When an FIU receives a request for STR information on behalf of a foreign non-counterpart, the response (which remains discretionary) should be sent to the counterpart FIU of the interested country to forward the information to the final recipient.
 - When an FIU wishes to request information which is needed for analysis from a foreign non-counterpart, it should approach the FIU of the interested country explaining the case, seeking direction on which authority should be

approached, and asking that the request be forwarded to that authority.

- The ESW or other recognized FIU-to-FIU channels should be used to exchange STR information.

34) However, in cases where FIUs, based on domestic legislation, are required or empowered to follow a different pattern of international co-operation, it is recommended that the FIU of the country where the non-FIU counterpart is located be informed about the request being filed or the information being provided.

35) It is recommended that foreign authorities inform the FIU receiving the request of the purpose of the request and expected use of the information. Any further use or dissemination should be specifically authorized by the FIU receiving the request.

GUIDANCE FOR OTHER FIU ACTIVITIES

Receipt function

36) In addition to STRs, FIUs may receive objective or threshold-based disclosures from reporting entities that relate to money laundering or the financing of terrorism. The scope and implementation of these reporting obligations will vary from one country to another based on national systems and obligations.

37) Examples of threshold-based disclosures that FIUs receive and use in their analytical work include:

- Reports of physical cross-border transportation of cash, bearer instruments or means of payment.
- Reports of transactions and payments in cash or bearer instruments, domestic or international.
- Reports on wire transfers, domestic or international .
- Reports on accounts held abroad by nationals or residents.
- Reports on the application of targeted financial sanctions.

38) When providing feedback to reporting entities on the effectiveness of the information received, or on the outcome and follow-up of the analysis conducted, FIUs can consider providing feedback as deemed feasible and include information on trends and patterns if useful. FIUs are encouraged to be mindful of judicial secrecy and presumption of innocence.

Analysis function

39) Based upon all the information available through STRs and other disclosures received, FIUs should seek to identify potential cases of money laundering or the financing of terrorism. The suspicion is higher if additional information compounds issues such as the complexity, strangeness or lack of legitimate rationale. The suspicion is lower if additional information points to legitimate rationale. Additional information can be

obtained from the FIU's own databases or from external information sources. Cases or reports can then be graded as high priority (requiring full analysis and dissemination), medium priority (requiring ongoing analysis, more information) or low priority (requiring no immediate action).

- 40)** Depending on the nature and the number of the STRs received, FIUs may perform analysis on individual STRs or bulk analysis using information technology (IT) tools. The number of STRs received by the FIU may result in a need to identify high priority STRs to be addressed rapidly, and low priority STRs to be addressed later.

Types of analysis

- 41)** Operational analysis aims to identify specific targets (persons, assets, criminal networks etc.), possible proceeds of crime and the links between them.² FIUs are highly encouraged to use effective IT tools to achieve the maximum advantage in analysis. Some components of operational analysis include:

- matching with predefined lists;
- identifying all reports that pertain to the same entity, on the basis of various user defined attributes, such as first name, second name, date of birth, public identification (passport number etc.), and address components;
- capturing all possible relationships, across multiple entities by comparing attributes such as surnames, phone numbers, addresses; and
- analyzing relationships to form clusters of closely linked entities for various degrees of separation.

- 42)** Strategic analysis aims to decipher the underlying patterns and trends that would enable an FIU to draw conclusions for the strategic prevention of money laundering and the financing of terrorism, and to provide input for policy formulation and for setting operational priorities. In an FIU context, this implies developing knowledge (strategic intelligence) as it relates to money laundering, the financing of terrorism and other threats to the security of a country's financial systems. Some components of strategic analysis include:

- examining data for patterns and similar concepts;
- developing a working hypothesis that addresses the “who”, “what”, “when”, “where”, “how”, and “why” of the activity;
- collecting, evaluating and collating further information as required;
- identifying connections or links between pieces of information, also used to support an inference;
- developing inferences (an inference is the best estimate of the truth that can be drawn from facts, opinions or other inferences); and
- constructing the argument, that is the logical flow of elements leading to the inference.

² FATF Recommendation 29, Interpretative Note 3.

The sophistication of strategic analysis may vary based on the capacity and resources of the FIU. Product ranges of strategic analysis may include:

- **Typologies and trends**—This is a systematic classification of a number of schemes that appear to be constructed in a similar fashion. These are built on a series of indicators that show how money was laundered, which in turn increases general understanding of an issue or method of money laundering or the financing of terrorism. When a typology occurs for any given event over a period of time, this can be classed as a trend. Changes in crime types or the way in which money is moved are examples of trends.
- **Patterns**—This is a recurring characteristic or trait that helps in the identification of a phenomenon/problem and that serves as an indicator or model for predicting future behaviour.
- **Synthesis**—This includes identifying connections that identify break-through ideas and opportunities in the detection of money laundering or the financing of terrorism.
- **Geographical/regional analysis**— – This shows the area of influence or location of the phenomenon.
- **Behavioural analysis**—This shows the type of operations, institutions and products used by the group.
- **Activity analysis**—This focuses on identifying weaknesses of an economic sector or activity.
- **Advanced intelligence products**—These may include vulnerability assessments, risk assessments and significant event assessments.

Collection, evaluation, verification and collation of information and analysis

- 43)** Analysis can be considered to be the conversion of information that has been collected, evaluated and collated into intelligence through the integration and interpretation of all data collected. Having reliable, accurate and timely information (often from diverse sources) is useful to perform both operational and strategic analysis. Starting with the information available from STRs and other disclosures received, the analyst can search the FIU database, and expand the search to other domestic sources and foreign partners. The search of domestic and foreign sources of information can include both closed (accessible to those with authority to access the information) and open (accessible to the general public) sources. FIUs are encouraged to have a policy about accessing websites to ensure that searches are not easily traceable.
- 44)** The collection of information should ideally be planned, orderly and systematic, reducing the need for the analyst to be repetitive when searching for information, and ensuring conclusions are based on sound foundation. It is important to analyze the information source for reliability and validity. Data diagnostic involves evaluating data for its quality by evaluating its credibility (source), relevance (to the goal of the analysis), accuracy (for analysis to be reliable) and process to translate data into information.
- 45)** After collecting all relevant information, it should ideally be collated to ensure that important information is not misplaced, misdirected or lost. Collation can be designed to

effectively manage the information so as to maximize its usefulness. A good collation system will assist the analyst to: identify relationships between individuals and/or companies; determine significant events; identify patterns of activity; uncover information gaps; and clarify the significance of data collected. The source of information can be coded for easy retrieval later. IT tools can be used to collate large quantities of data. When it is necessary to work on smaller data sets out of a large volume of data, sampling, data grouping and sorting can be used, all of which can be performed through commercially available application software.

- 46)** The relevant data, whether collected or already available in the FIU's databases, can be matched and linked to identify relationships. In operational analysis, where the emphasis is on case formation, it is important to match and link all relevant information, in order to have as complete a view of the case as possible. However, linking different reports for the same entity or establishing relationships among different entities may pose a challenge due to factors such as variations in different attributes of the same entity (first name, surname, address etc.). Once all of the data is collected, evaluated and collated, it may be reviewed to ensure that all requisite information is available for analysis.

Power to obtain information from Reporting Entities

- 47)** FIUs should be able to obtain and use additional information from reporting entities as needed to perform its analysis function.³ The use of this power and its extent, including the range of the reporting entities from which the information should be obtained, is dependent on analytical needs. Relevant elements in this respect include :
- the features of the analytical tasks assigned to the FIU in that particular country;
 - the information already available to the FIU as a consequence of the disclosures received under the receipt function (in principle, the wider this initial information, the less likely the need to obtain additional information from reporting entities subsequently); and
 - the information available to the FIU via other sources.
- 48)** Examples of the types of information that FIUs can obtain from reporting entities, depending on their analytical needs, include:
- the identity of the accountholder and of the other subjects authorized to operate the account;
 - the beneficial owner and, in relation to legal persons and arrangements, the ownership and control structure;
 - the type and amount of the transactions performed as well as the counterparts involved;
 - for wire transfers, information on the payer and the beneficiary;
 - the nature and purpose of the activities conducted by the customer; and

³ FATF Recommendation 29, Interpretive Note section C (a) 5.

- any other information gathered in the Customer Due Diligence (CDD) process, consistent with the risk circumstances and the type of CDD measures applied (e.g. copies or records of official identification documents like passports, identity cards, driving licenses or similar documents), account files and business correspondence, including the results of any analysis undertaken (e.g. inquiries to establish the background and purpose of complex, unusual large transactions).

Power to access information from other sources

49) FIUs may obtain information from other sources directly, through access to the relevant databases, or indirectly, through another authority or entity holding the information. In any case, it is important that the access be prompt, confidential and secure.

50) Where applicable, examples of information types that may be useful to FIUs include:

- a) address information;
- b) administrative liability measures
- c)
- d) border crossing by physical persons
- e) business and companies registries;
- f) citizenship records;
- g)
- h)
- i) control and ownership structure of companies and legal persons (including information on status and powers, shareholders, directors and beneficial ownerships);
- j) criminal records and information on ongoing prosecutions or investigations;
- k)
- l) export/import of goods;
- m) fiscal information (declared income and taxes paid);
- n) land and property ownership records, real estate register;
- o) law enforcement records (before court trial);
- p)
- q) marital status;
- r) natural persons register;
- s) passport details;

- t) other legal arrangements (including information on trustees and other parties involved, beneficial ownerships and the assets managed);
- u)
- v) w) vehicle register; and
- t x) visa records.
- r
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- s

- a
- n
- d

The following forms are sample templates that are meant to be illustrative.

Annex A: Sample query form



The Egmont Group of Financial Intelligence Units
Request for FIU information

I. REQUESTOR REPRESENTATIONS

By using this form, the agency making the request agrees that upon receipt of information provided by the disclosing FIU, that it will:

- maintain the confidentiality of any and all information provided to it by the disclosing FIU;
- not disclose the information outside of its agency without the prior written permission of the disclosing FIU; and
- limit the use of the information for the purpose(s) stated on this form.

II. REQUESTOR INFORMATION (all fields are mandatory)

Agency making the request:	
Country/territory:	
Case No:	
Date query submitted:	
Routine or urgent query:	
<i>If urgent, please indicate desired response date and reason for urgency:</i>	
Contact name & title:	
Telephone & fax:	
Email:	
Signature:	

Authorizing official :	
Position:	
Telephone & fax:	
Date:	
Signature:	

Agency receiving the request:	
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III. SUBJECT INFORMATION REQUESTED (attach additional sheets as necessary)

Subject Identification and Financial Information			
Name (surname, given, middle):		,	
		Alias(es):	
		Sex (m/f):	
		DOB (yyyy/mm/dd):	
	Address (1):	Apt. or Suite No.	Number & Street
		City	Province/State Country/Territory
		Apt. or Suite No.	Number & Street
	Address (2):	City	Province/State Country/Territory
		Apt. or Suite No.	Number & Street
		City	Province/State Country/Territory
	Phone No(s):	(1)	(2)
	Passport No.:		Issuing Jurisdiction:
	Other ID No:		Issuing Jurisdiction:
	Professional Activity:		
Relationship to Investigation:			
	Place of Birth:	City	Province/State Country/Territory
	Nationality:		
Bank Account No(s):			
Bank Name:			
	Address:	Apt. or Suite No.	Number & Street
		City	Province/State Country/Territory

Business Identification and Financial Information			
Related/associated Business (1):			
	Address:	Apt. or Suite No.	Number & Street
		City	Province/State Country/Territory
		Relationship to Investigation:	
Bank Account No(s):			
Bank Name:			

	Address:			
		Apt. or Suite No.	Number & Street	
		City	Province/State	Country/Territory
Related/associated Business (2):				
	Address:			
		Apt. or Suite No.	Number & Street	
		City	Province/State	Country/Territory
Relationship to Investigation:				
Bank Account No(s):				
Bank Name:				
	Address:			
		Apt. or Suite No.	Number & Street	
		City	Province/State	Country/Territory

IV. NATURE OF THE INVESTIGATION (attach additional sheets as necessary)

1. Describe the case under investigation and state the principal violation(s):
 Criminal Civil
2. Describe the link with the country of the disclosing FIU.
3. What information do you need from the disclosing FIU?
4. How and for what purpose(s) will the information requested be used?
5. Are there ongoing formal investigations or judicial proceedings?
6. Do you anticipate asset forfeiture or securement in this case?
7. State the amount and type, or nature, of assets involved in this case.
8. What other agencies or countries are involved in this investigation?

If applicable, number of additional sheets attached:

Annex B: Sample Spontaneous Disclosure cover letter



The Egmont Group of Financial Intelligence Units
Spontaneous Disclosure cover letter

Please attach this cover letter to the front of the spontaneous disclosure

I. RECEIVING FIU REPRESENTATIONS

The receiving agency shall agree that upon receipt of information provided by the disclosing FIU, the receiving agency will:

- maintain the confidentiality of any and all information provided to it by the disclosing FIU;
- not disclose the information outside of its agency without the prior written permission of the disclosing FIU; and
- limit the use of the information for the purpose(s) stated in this report.

II. DISCLOSING FIU INFORMATION (all fields are mandatory)

Submitting agency :	
Country/territory:	
Case No:	
Disclosure date:	
Contact name & title:	
Telephone & fax:	
E-mail:	
Signature:	

Authorizing official:	
Title:	
Telephone & fax:	
Date:	
Signature:	

Receiving agency:	
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**This report is provided for intelligence purposes only and does not require action on the part of the receiving agency*