

This is a summary of the decision of the Commissioner.

The Data Protection Office received a complaint from Complainant (Anonymous) against Respondent regarding excessive information which was requested to open an account. In the statement, Complainant declared that details like Number of children (Full names, DOB), Car Ownership and Residence Status were requested to open an account.

This office requested the regulatory authority to confirm whether all the fields mentioned in the application form are mandatory information required to open an account according to the related legislations.

The regulatory authority stated the following:

- Financial institutions have a duty under the relevant Act, prior to opening accounts for deposits of money and securities and renting out safe deposit boxes, to establish the true identity of the person in whose name the funds or securities are to be credited or deposited or the true identity of the lessee of the safe deposit box.
- The requirements of the laws related to anti-money laundering and combating the financing of terrorism have a need for effective internal controls, policies and procedures, the identification procedures when ascertaining the identity of a customer, record-keeping requirements, reporting of suspicious transaction reports and employee screening, education and training, among others.
- Financial institutions are required to request for such additional information as they may require to ascertain the identity of their customers. They are also required to conduct on-going monitoring of accounts.
- The regulatory body has also recently required financial institutions to undertake risk categorization of their customers
- The information being sought is strictly for the purposes of profiling of their client, which is, in fact, a requirement imposed by the Group. Branches of foreign institutions are usually required to adhere to their Group policy, provided that the requirements of the Group Policy are equivalent to or more stringent than ours.
- Financial institutions are bound by strict duties of confidentiality and are also required to comply with the Data Protection Act and hence cannot disseminate private and confidential information to third parties except in circumstances provided in the law.

This office requested Respondent to justify whether all the fields mentioned in the application form are mandatory information required for the purpose of opening an account in accordance with the relevant act and legislations.

Respondent stated the following points:

- The details requested from the customers applying to open an account allow to meet various regulatory, legal and Group requirements. The account opening process needs to comply with the KYC (Know Your Customer) requirements, as detailed in the relevant acts.
- A risk-based approach is applied to categorise customers in line with the Guidelines of the regulatory body.
- The information mentioned is not always mandatory, but may become so, as the application and due diligence process is reviewed. This is not specified in the application form, and this has been addressed in the new form introduced.

In light of the above, this office has successfully concluded this enquiry and thus no offence is found committed in breach of the Data Protection Act.