



BANGKO SENTRAL NG PILIPINAS

CIRCULAR LETTER NO. CL-2021-080

OFFICE OF THE DEPUTY GOVERNOR FINANCIAL SUPERVISION SECTOR

To : **All BSP-Supervised Financial Institutions (BSFIs)**

Subject : **Coverage of Anti-Money Laundering Council (AMLC) Regulatory Issuance (ARI) A, B, and C, No. 2, Series of 2018, also known as the Guidelines on Digitization of Customer Records (DIGICUR)**

This is to disseminate to all BSFIs the AMLC advisory¹ on the coverage of ARI A, B, and C, No. 2, Series of 2018, also known as DIGICUR², posted on the AMLC website on 08 October 2021.

In line with objectives of the DIGICUR to (a) maintain the confidentiality of the financial investigations of the AMLC by preventing tipping off to customers under investigation, and (b) ensure swift retrieval of customer records by covered persons, which in turn, ensures promptness in the AMLC's financial analysis, investigations, and legal actions, all covered persons are obliged to comply with the DIGICUR. The same, however, provides an exemption for money service businesses (MSBs). The DIGICUR does not apply to MSBs as they generally do not maintain accounts or electronic wallets (e-wallets) for their customers, thereby rendering inexistent the danger sought to be prevented by the DIGICUR, i.e., the immediate movement of funds from accounts subject of an investigation. Nevertheless, the DIGICUR shall still apply when the business model of an MSB is such that the customer is able to open, keep, and maintain an account as an e-wallet or other similar electronic products or services.

Accordingly, DIGICUR shall apply only to covered persons, including BSFIs, whose business involves customers who are able to open, keep, and maintain accounts, e-wallets, or other similar electronic products or services with them. As such, ARI No. 6, Series of 2021³ requires said covered persons/BSFIs to, among others:

- (a) Complete and fully comply with the requirements of the DIGICUR on or before the final and non-extendable deadline of 30 September 2022;
- (b) Submit a Quarterly DIGICUR Status Report of Compliance (QUADSREC) within fifteen (15) calendar days after each reference quarter, except that the first report shall be submitted on or before 31 October 2021. Submission of the QUADSREC shall continue until such time that such covered persons/BSFIs have completely and fully complied with all the requirements of the DIGICUR; and
- (c) Submit a one-time QUADSREC on or before 31 October 2021, indicating that the covered person/BSFI is exempted from the coverage of the DIGICUR, in the

¹ www.amlc.gov.ph/news-and-announcements/16-news-and-announcements/324-coverage-of-amlc-regulatory-issuance-ari-a-b-and-c-no-2-series-of-2018-also-known-as-the-guidelines-on-digitization-of-customer-records-digicur?tmpl=component&print=1&page=

² [http://www.amlc.gov.ph/images/PDFs/DIGICUR%20ARI%20\(ORIGINAL%20SIGNED\).pdf](http://www.amlc.gov.ph/images/PDFs/DIGICUR%20ARI%20(ORIGINAL%20SIGNED).pdf)

³ Posted on 30 September 2021 in AMLC website:

[http://www.amlc.gov.ph/images/PDFs/2021%20SEP%20ARI%20FINAL%20DIGICUR%20EXTENSION%20\(ORIGINAL%20SIGNED\)2.pdf](http://www.amlc.gov.ph/images/PDFs/2021%20SEP%20ARI%20FINAL%20DIGICUR%20EXTENSION%20(ORIGINAL%20SIGNED)2.pdf)

case of BSFIs which do not maintain such accounts or e-wallets for their customers.

BSFIs are reminded that non-compliance with the DIGICUR requirements constitutes a grave violation, with penalties ranging from PhP37,500.00 to PhP375,000.00 per customer under Table A.A, Section 2, Rule IV of the Rules of Procedure in Administrative Cases (RPAC). On the other hand, failure to submit the QUADSREC within the period prescribed shall constitute a serious violation (i.e., with penalties between PhP15,000.00 to PhP150,000.00 per account) under Item C.25, Table A, Section 2, Rule IV of the RPAC for violation of orders, resolutions, and issuances of the AMLC.

For information and strict compliance.

 Digitally signed by
Chuchi G. Fonacier
Date: 2021.10.18
18:43:41 +08'00'

CHUCHI G. FONACIER
Deputy Governor

18 October 2021