

MULTI-AGENCY MEMORANDUM OF UNDERSTANDING

**RELATED TO MONEY LAUNDERING, ASSOCIATED PREDICATE OFFENCES
(which include FINANCIAL CRIMES, CORRUPTION, BRIBERY AND EXTORTION),
TERRORISM AND TERRORIST FINANCING OFFENCES**

Among

**The Anti-Money Laundering Committee
(and other Authorities)**

For the

Exchange of Information

And

Cooperation and Coordination

August 7th 2018

The Attorney General's Chambers, the Office of the Director of Public Prosecutions, the Customs Department, the Royal Turks and Caicos Islands Police Force, the Financial Services Commission, the Financial Intelligence Agency, and other public bodies and agencies in the Turks and Caicos Islands, hereinafter referred to jointly as "the Authorities"

RECALL the functions of the Anti-Money Laundering Committee (AMLC), established under the Proceeds of Crime Ordinance, in relation to the detection, investigation, prosecution and prevention of money laundering, terrorist financing and the financing of proliferation.

DESIRE, in a spirit of cooperation and mutual interest, and within the framework of the laws of the Turks and Caicos Islands (TCI), to facilitate the exchange of information in support of the detection, investigation, prosecution and prevention of money laundering, associated predicate offences (which include financial crimes, corruption, bribery and extortion), terrorism and terrorist financing offences (hereinafter referred to as "the relevant offences").

RECOGNISE that where Laws, Regulations and Rules pertaining to each Authority provide mechanisms or a process for obtaining or exchanging information, or limit the transmission of information this Memorandum cannot override or modify such Laws, Regulations and Rules.

AND ACKNOWLEDGE the importance of compliance with relevant international standards established by international standard setting bodies such as the Financial Action Task Force.

The Authorities intending to enhance the existing working relationship among the Authorities and to foster said information exchange to the fullest extent possible,

Have reached the following understanding:

Objective

1. The objective of this Memorandum of Understanding (MOU) is to set out a framework whereby the Authorities, to the full extent allowed by the laws of the Turks and Caicos Islands, will provide to each other assistance and information

they have reasonable grounds to suspect would be relevant to the detection, investigation, prosecution and prevention of the relevant offences.

2. The Authorities intend either through their own initiatives or by request, to share relevant information including but not limited to intelligence information, financial information, corporate structure, ownership information and other information that may be relevant to the detection, investigation, prosecution and prevention of relevant offences.

Information Exchange

3. To the extent authorized by the laws of the Turks and Caicos Islands, and consistent with its own policies and procedures, each authority will provide, spontaneously or upon request from another any available information that may be relevant to the investigation or prosecution of the relevant offences. The Authorities understand that information provided to an Authority may only be used for purposes relevant to the objectives set out in the Request in pursuance of this MOU.

Justification of Request

4. A Requesting Authority will, to the extent possible, provide:
 - (i) a brief statement of the underlying facts justifying any request for information, including a statement on whether the disclosure is required for criminal investigations or in an administrative, prosecutorial or judicial proceeding;
 - (ii) a description of the assistance, documents or information sought by the Requesting Authority;
 - (iii) a statement on whether other authorities, local or foreign, are cooperating with the Requesting Authority or seeking information from the Requesting Authority and to whom onward disclosure of information is likely to be made; and
 - (iv) the desired period of time for a response.

Disclosure of Information

- 5.(a) Subject to paragraph 5(b), a receiving Authority will not disclose (including disclosure for criminal investigations or in an administrative, prosecutorial or

judicial proceeding) the nature of the request received and details of the assistance, information or documents provided in response to a request (except as set forth in a request for information) without the prior **written** consent of the providing Authority.

- 5.(b) If a Request does not contain a statement that the information is needed for criminal investigations or an administrative, prosecutorial or judicial proceeding then if an Authority is subject to legal process or proceedings that would require the disclosure of information it has received from the other Authority, the Authority subject to such process or proceedings will immediately notify and seek the written consent of the other Authority to disclose the information, and if written consent has not been provided, reasonable efforts will be taken to ensure that the information will not be disseminated to any third party or that appropriate limitations are placed upon the disclosure.
- 5.(c) The Authorities are cognizant of the confidentiality requirements imposed by law (including sections 17 of the Financial Intelligence Agency Ordinance, section 50 of the Financial Services Commission, section 7 of the Customs Ordinance and section 21 of the Public Service Ordinance) and agree to act within the confines of the respective Ordinances and to keep confidential any assistance or information received or provided pursuant to this Memorandum.
- 5.(d) For the purposes of the MOU, a "third party" is defined as any person or entity, other than the Requesting Authority.

Reasonable Costs

- 6.(a) Where the cost of fulfilling a request is likely to be substantial, the Requested Authority may, on a case-by-case basis, require the Requesting Authority to bear some or all of the costs.
- 6.(b) Where the Requesting Authority takes appropriate legal action in order to preserve, protect and maintain the confidential nature of the information provided by the Requested Authority, the costs of such action shall be borne by the Requesting Authority.

Use and Disclosure of Information Contained in a Request

- 7.(a) The Authorities understand that information contained in a request will only be used for purposes relevant to preventing, investigating or prosecuting the relevant offences.
- 7.(b) The Requested Authority may not, without the prior written consent of the Requesting Authority, disclose information contained in the request for any purpose other than to obtain information in order to respond to the request.
- 7.(c) Where the Requesting Authority wishes to use the information obtained for any purpose other than as stated in paragraph 7(a), the Requesting Authority must first secure the approval of the Requested Authority.

Notice

8. If the Requested Authority is unable to respond to a request by providing the requested assistance, the Requested Authority will promptly notify the Requesting Authority in writing of its decision and provide a detailed explanation as to why it is unable to provide the requested assistance.

Communication Procedures

9. The Authorities will jointly arrange, consistent with the laws of the Turks and Caicos Islands, for acceptable procedures of communication and will consult each other for the purpose of implementing and improving the operation of this MOU.

Confidentiality

10. The Authorities understand that:
 - (i) They should ensure that all information exchanged between them is subjected to strict controls and safeguards to ensure that the information obtained is used only in an authorized manner; and
 - (ii) Exchanged information is treated confidentially and only disseminated as stated in the Request or as agreed by the Authorities.

Further Cooperation

11. The Authorities will discuss other avenues of cooperation between them in the prevention, detection and deterrence of the relevant offences.

Amendments

12. The Authorities may amend this Memorandum in writing at any time by mutual consent in accordance with their internal procedures.

Non-Legally Binding

13. This Memorandum is not intended to be legally binding at domestic or international law.

Execution of Memorandum

- 14.(a) This Memorandum will become effective among the Authorities that are signatories to it as of the date of execution by the respective Authority.
- 14.(b) The original of this Memorandum and any subsequent accessions shall be deposited with the Attorney General's Chambers.

Termination

15. Subject to Clause 5(c), an Authority may terminate its participation in this Memorandum at any time after giving thirty (30) days written notice to the other Authorities. The provisions of this Memorandum dealing with the confidentiality of information received prior to the termination of this Memorandum will remain in effect after its termination.
16. A termination by an Authority will not affect the other Authorities as signatories to this Memorandum.

Dispute Resolution

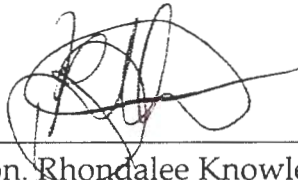
17. Any dispute arising from the interpretation or application of this Memorandum will be resolved by consultations between the Authorities.

Accession

- 18(a) After entry into force of this Memorandum any public body or agency that is not a party hereto may, if the Authorities agree in writing accede to this Memorandum by preparing, signing and depositing an instrument of accession with the Attorney General's Chambers.
- 18(b) This Memorandum shall bind an Authority that accedes under Clause 18(a) from the date of accession.

INTENTIONALLY LEFT BLANK

For the Attorney General's Chambers



Hon. Rhondalee Knowles, OBE
Attorney General

On the 7th day of August, 2018

For the Customs Department

Chawa Williams
Collector of Customs

On the day of August, 2018

For the Financial Services Commission



Niguel Streete
Managing Director

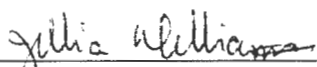
On the 7th day of August, 2018

For the Royal Turks and Caicos Islands
Police Force

James Smith
Commissioner of Police

On the day of August, 2018

For the Office of the Director of Public
Prosecutions



Jillian Williams
Director of Public Prosecutions

On the 7th day of August, 2018

For the Financial Intelligence Agency



Dwayne Baker
Director

On the 7th day of August, 2018