

REGULATION
OF THE MINISTER OF FINANCE¹⁾

of 16 May 2018

**on the receipt of reports on breaches of the regulations in the scope of counteracting
money laundering and financing of terrorism**²⁾

Pursuant to Article 80(3) of the Act of 1 March 2018 on Counteracting Money Laundering and Financing of Terrorism (Journal of Laws item 723) it is hereby ordered as follows:

§ 1. The Regulation defines the method of receiving by the General Inspector of Financial Information reports of actual or potential breaches of the regulations in the scope of counteracting money laundering and financing of terrorism from employees, former employees of obliged institutions or other persons who perform or have performed activities for obliged institutions on the basis other than the employment relationship, the method of handling and storing reports and the method of communicating activities that may be undertaken after the receipt of the report.

§ 2. Whenever the Regulation refers to:

- 1) General Inspector - it shall mean the General Inspector of Financial Information;
- 2) reporting person - it shall mean an employee of an obliged institution, a former employee of an obliged institution or another person who performs or has performed activities for the obliged institution on the basis other than the employment relationship, reporting an actual or potential breach of regulations in the scope of counteracting money laundering and financing of terrorism to the General Inspector;

¹⁾ The Minister of Finance manages the sector of governmental administration - public finance, pursuant to §1(2)(2) of the Regulation of the Prime Minister of 10 January 2018 concerning the detailed scope of activities of the Minister of Finance (Journal of Laws, item 92).

²⁾ In the scope of its regulations, this Regulation implements Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 05.06.2015, p. 73).

- 3) reported person - it shall mean a person indicated by a reporting person as breaching or potentially breaching regulations in the scope of counteracting money laundering and financing of terrorism;
- 4) obligated institution - it shall mean the entity referred to in Article 2(1) of the Act;
- 5) the Act - it shall mean the Act of 1 March 2018 on Counteracting Money Laundering and Financing of Terrorism;
- 6) report - it shall mean a report of an actual or potential breach of regulations in the scope of counteracting money laundering and financing of terrorism.

§ 3. 1. The General Inspector shall provide for a possibility of receiving reports made:

- 1) in electronic form to the General Inspector's e-mail address indicated by the General Inspector;
- 2) in a paper form to the correspondence address indicated by the General Inspector.

2. In the content of the report, a reporting person shall indicate a correspondence address or an electronic mail address, hereinafter referred to as the “contact address”.

3. Means of communication adopted by the General Inspector for the purpose of receiving reports and measures to be taken by the General Inspector after the receipt of the report, at least:

- 1) are independent from the means of communication used in the ordinary course of activities of the General Inspector;
- 2) ensure the confidentiality, integrity and availability of information, including its protection against reading by unauthorised persons;
- 3) enable the storage of reports in a manner ensuring conducting of follow-up activities by the General Inspector.

§ 4. The General Inspector may request explanations from the reporting person with regard to the information provided which may be in the possession of the reporting person, with the use of the contact address.

§ 5. The General Inspector shall appoint persons entitled to receive and handle reports from among the employees of the organisational unit referred to in Article 12(2) of the Act, in particular to assess the received reports with respect to potential breach of regulations in the scope of counteracting money laundering and financing of terrorism and to undertake follow-up actions related to these reports, enabling the General Inspector to take measures specified in the Act.

§ 6. 1. The General Inspector shall keep written and electronic documents of received reports in a manner ensuring the protection of personal data.

2. The General Inspector shall provide access to the stored written and electronic documents received exclusively to the employees of the organisational unit referred to in Article 12(2) of the Act who need such access to perform their official duties.

§ 7. 1. The reports shall be forwarded to the employees of the organisational unit referred to in Article 12(2) of the Act or to another authorised body, while maintaining the confidentiality of the personal data of the reporting person and the reported person.

2. The General Inspector shall adopt procedures for transmitting information related to the report for the purposes of protection of personal data of the reporting person and the reported person.

§ 8. The General Inspector shall provide the reporting person with information on measures that may be taken after the receipt of the report to the contact address, within no more than 30 business days from the date of receipt of the notification.

§ 9. The Regulation shall enter into force as of 13 July 2018.

MINISTER OF FINANCE

T. CZERWIŃSKA