

Sample AML Representation for Service Providers and Delivery Channels.

ANTI MONEY LAUNDERING/TERRORIST FINANCING AFFIDAVIT "AML/ATF AFFIDAVIT"

XL Foundation Ltd. ("the Foundation") as an Anti-Money Laundering and Terrorist Financing ("AML/ATF") "Regulated Financial Institution", under Bermudian law, has a range of obligations prescribed by the regulators where we conduct business. Furthermore, it is the Foundations policy to put in place the most effective arrangements for preventing the use of the Foundation facilities for money laundering activities or terrorist financing ("ML/TF"), and to ensure compliance with all legislation and appropriate guidelines designed to combat ML/TF activities in the jurisdictions in which we operate. This includes implementing the Bermuda International Sanctions Regime.

These responsibilities and obligations are manifested in the Foundations onboarding requirements: we conduct due diligence checks on all our business relationships to minimize the associated ML/TF risk to our firm and provide a robust environment for our relationships. Some of the specific national and international legislation that drives this process can be found, for example, in BMA Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008 and Charities (Anti-Money Laundering, Anti-Terrorist Financing and Reporting) Regulations 2014, under which the Foundation has a duty to confirm that appropriate checks are conducted.

We conduct identification and verification of our clients in accordance with the requirements of BMA Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008 and Charities (Anti-Money Laundering, Anti-Terrorist Financing and Reporting) Regulations 2014.

To ensure compliance with respect to the above-mentioned rules & regulations, we request that the Attestation Letter be submitted as part of initiation of the business relationship.

Dear XL FOUNDATION LTD.:

Further to your request, we would like to confirm the following:

1. Our Charity, _____,
is a Bermuda Registered Charity in Good Standing, Registration Number: _____
2. We have in place and operate policy and procedures designed to deter, detect and intercept financial crime (including, but not limited to, money laundering and terrorist financing and geographic sanctions);
3. We are compliant with the Charities (Anti-Money Laundering, Anti-Terrorist Financing and Reporting) Regulations 2014 and BMA Proceeds of Crime (Anti-Money Laundering and Anti-Terrorist Financing) Regulations 2008, and can confirm we have proper policies and procedures in place consistent with the act which include at a minimum:
 - a. There is a designated compliance officer of the Charity and they receive regular training on AML and ATF.
 - b. The Charity requires its officers to disclose any previous convictions for AML or ATF offences and the Charity currently does not have any Directors or Officers who have any offenses currently or previously with our Charity or any other Charity they may have been associated with as a member or officer.
 - c. The Charity reports any suspicious transaction relating to money laundering or terrorist financing to the FIA and keep a record of all such suspicious transactions.
 - d. The Charity conducts ongoing monitoring of its relationships with beneficiaries, donors and partners.
 - e. The Charity takes reasonable measures to establish the identity of donors, beneficiaries and partners,
 - f. The Charity ensures that its payments to beneficiaries and partners are appropriately monitored.
4. The Charity has established and maintains appropriate and risk-sensitive policies, processes and procedures relating to:
 - a. Carrying out of proper due diligence, on those individuals and organizations that give money to, receive money from, or work closely with, the charity.
 - b. Identifying international transactions and keeping a record and analysis thereof separately from domestic transactions.
 - c. Adequate monitoring and verification of end-use of payments to beneficiaries and partners.
 - d. Proper reporting.
 - e. Proper training.
 - f. Proper record-keeping.
 - g. Internal control to ensure that all funds are fully accounted for, and are spent in a legitimate manner that is consistent with the purpose and objectives of the charity's stated activities.
5. The Charity maintains records for seven years, including but not limited to:
 - a. All transactions that are sufficiently detailed—to identify, and separately keep a record of, domestic and international transactions respectively;
 - b. Verification that funds have been spent in a manner consistent with the purpose and objectives of the charity.
6. In the event of any inquiry from you or from any law enforcement agencies or regulators under court order or relevant mutual assistance procedure, copies of the relevant customer records will be made available to the extent that we are required under local law to retain these records.

Signature

Date

Name(s) and position(s) of authorised signatories