

『保險經紀人公司(含兼營保險經紀人業務之銀行) 評估洗錢及資恐主義風險及訂定相關防制計畫指引』

Guidelines for Insurance Broker Companies (Including Banks Operating Concurrently Insurance Broker Business) Regarding Assessment of Money Laundering and Terrorism Financing Risks and Adoption of Prevention Programs

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1. 本指引依「保險業防制洗錢及打擊資恐內部控制要點」(以下簡稱內部控制要點)訂定，以防制洗錢及打擊資恐為目的，內容涵括具有一定規模之保險經紀人公司(含兼營保險經紀人業務之銀行)(以下簡稱保險經紀人公司)如何協助保險公司辨識客戶身分、評估各項業務之洗錢及資恐風險，以及制訂防制洗錢及打擊資恐計畫等面向，作為執行方法之依據。

The Guidelines are enacted pursuant to the 【Directions Governing Internal Control System of Anti-Money Laundering and Countering Terrorism Financing of Insurance Sector】(hereinafter referred to as the “Internal Control Directions”) for the purpose of preventing money laundering and combating terrorist financing. The contents cover how an insurance broker company of a certain size (including banks engaging concurrently in insurance broker business) (hereinafter referred to as the “insurance broker companies”) assists the insurance company in customer due diligence, assessing ML/TF risks in various businesses and establishing AML/CFT program to be used as basis of implementation.

2. 保險經紀人公司防制洗錢及打擊資恐之內部控制制度，應經董(理)事會通過；修正時，亦同。其內容並應包括針對洗錢與資恐風險進行辨識、評估之相關政策及程序，以及訂定防制洗錢及打擊資恐計畫，並定期檢討。保險經紀人公司辦理洗錢與資恐風險進行辨識、評估之相關政策及程序應依據保險公司對客戶風險辨識、評估、管理之資料需求，協助蒐集或驗證資料之正確性。

The internal control system of an insurance broker company for AML/CFT and any subsequent amendment thereto shall be approved by its board of directors(council). Its contents shall include the establishment of policies and procedures to identify, assess and manage its ML/TF risks and an AML/CFT program based on ML/TF risks and business size. Review periodically. The policies and procedures of insurance broker companies for identifying and assessing ML/TF risks should accommodate the data needs of insurance companies in customer risk identification, assessment and management to assist in the accuracy of collected or verified data

以風險為基礎之方法(risk-based approach)旨在協助發展與洗錢及資恐風險相當之防制與抵減措施，以利保險經紀人公司決定其防制洗錢及打擊資恐資源之配置、建置其內部控制制度、以及訂定和執行防制洗錢及打擊資恐計畫應有之政策、程序及控管措施。

The RBA (risk-based approach) is designed to facilitate the development of prevention and offsetting measures commensurate to the ML/TF risks, so as to assist an insurance broker company in determining its allocation of resources on AML/CFT, establishing internal control system, and formulating the policies, procedures and control measures that shall be put in place and implemented on AML/CFT.

本指引所舉例之各項說明與附錄並非強制性規範，保險經紀人公司之風險辨識、評估機制應與其業務、產品與保戶特性等性質及規模相當，並分配適當資源，以採取有效的反制措施，預防或降低風險。

The various explanations given in the Guidelines are not mandatory standards. The risk assessment mechanism of an insurance broker company shall be commensurate with the nature and scale of its business, products and customer characteristics. An insurance broker company

shall allocate adequate resources based on results of the risk assessment in order to adopt effective countermeasures to prevent or reduce the risks

保險經紀人公司不得向保戶或與執行防制洗錢義務無關者，透露保戶之風險等級資訊。

An insurance broker company shall not disclose risk level information of the policyholder to the policyholder or those who are unrelated in the implementation of anti-money laundering obligations.

3. 具一定規模之保險經紀人公司辦理前條第一項洗錢與資恐風險辨識、評估之相關政策及程序，應依據保險公司對客戶風險辨識、評估、管理之資料需求，協助蒐集或驗證資料之正確性。

The policies and procedures of insurance broker companies of certain sizes for identifying and assessing ML/TF risks mentioned in first subparagraph of the preceding paragraph hereof should accommodate the data needs of insurance companies in customer risk identification, assessment and management to assist in the accuracy of collected or verified data.

保險經紀人公司係協助保險公司蒐集或驗證資料之正確性以使保險公司完成下列風險辨識項目之評估作業：

An insurance broker company shall assist the insurance company in collecting or verifying the accuracy of the information to ensure an insurance company complete the assessments on the following risks identification items:

- (1) 地域風險：

Geographical risks:

保險經紀人公司蒐集客戶地域資料，以協助保險公司識別其具較高洗錢及資恐風險的區域。

An insurance broker company shall collect geographical data to assist an insurance company in identifying the regions with higher ML/TF risks.

- (2) 保戶風險：

Policyholder risks:

為提供保險公司相關資訊以識別客戶風險及協助保險公司評估客戶風險等級，保險經紀人公司得依據以下風險因素為依據：

An insurance broker company shall provide an insurance company with relevant information to identify customer risks and to assist an insurance company in assessing customer risk ratings based on the following risk factors:

1. 保戶背景、職業與社會經濟活動特性、地域以及非自然人保戶之組織型態與架構等。

The background, occupation and socio-economic activities characteristics and geographical area of the policyholder, and the organization and structure of the non-natural policyholder, etc.

2. 保戶之國籍與居住之國家與區域。

Nationality and country and region of residence of the policyholder.

3. 與保戶建立業務關係之管道。

The channel of establishing business relationship with the policyholder.

4. 與保戶建立業務關係之金額。

The amount involved in the establishment of business relationship with the policyholder.

- (3) 產品風險：

Product risks:

1. 保險經紀人公司應依據保險公司特定產品或與金錢有關之服務的性質，識別可能會為個別保險經紀人公司帶來較高的洗錢及資恐風險者。

An insurance broker company shall identify products that might cause higher ML/TF risk to an insurance broker company based on the nature of specific products or money-related services of an insurance company.

2. 應於洽定保險公司新產品或協助保險公司辦理與金錢有關之新服務前，進行洗錢及資

恐風險評估，並按照風險控制原則，建立相應風險管理措施。

Conducting the ML/TF risk assessment prior to enter into agreement on new product of an insurance company or assisting an insurance company in processing new money-related services, and establishing the corresponding risk management measures in accordance with risk control principle.

3. 產品或與金錢有關之服務之風險因素包括但不限於下列：

The risk factors of products or money-related services include but not limited to the following:

(1) 與現金之關聯程度。

The correlation with cash.

(2) 建立業務關係或交易之管道，包括是否為面對面交易、電子商務、透過國際保險業務分公司交易等新型態交易管道等。

The channels used in establishing business relationships or transactions, including the new type of trading channels such as face-to-face trading, e-commerce, and trading via branch offices of the international insurance business, etc.

(3) 是否為高額保費或高保單現金價值。

Is it a high premium or high policy cash value?

4. 保險經紀人公司應依據保險公司對客戶風險辨識、評估、管理之資料需求，辦理相應之確認客戶身分措施。

An insurance broker company shall assist in the handling of the corresponding CDD measures to accommodate the data needs of insurance companies in customer risk identification, assessment and management.

保險經紀人公司不得向客戶或與執行防制洗錢義務無關者，透露相關資訊。

An insurance broker company shall not disclose relevant information to the customer or those who are unrelated in the implementation of anti-money laundering obligations.

5. 對於新建立業務關係的保戶，保險經紀人公司應提供保險業評估風險等級所需之確認保戶身分措施之相關資訊，並於保戶實際身分和其所提供之身分佐證資料不相符時，應立即通知保險業。

For new policyholder, an insurance broker company shall provide relevant information for the insurance enterprise to undertake the policyholder Due Diligence measures required for assessing risk levels, and shall immediately notify the insurance enterprise when the actual identify of the policyholder does not match the supporting evidence it provided.

保險經紀人公司在建立業務關係時已進行確認保戶身分措施，如得知保戶身分與背景資訊有重大變動、或察覺保戶交易模式變更時，應立即通知或提示保險業以適時調整保戶風險等級。

An insurance broker company shall perform the policyholder Due Diligence measures at the time of establishing business relationship. If there is a significant change in the customer's identity and background information or in the policyholder's trading model, the insurance enterprise shall be notified or warned immediately in order to timely adjust the policyholder's risk level.

6. 保險經紀人公司應依據保險公司辦理客戶風險評估之指示，協助其對於高風險客戶採取加強的確認身分措施。舉例說明如下：

An insurance broker company shall assist the insurance company in taking the Enhanced Due Diligence measures on high-risk customers in accordance with the insurance company's instruction in assessing customer risk. Examples are as follows:

(1) 取得投保目的之相關資訊。

Obtaining information relating to the purpose for purchasing insurance.

(2) 取得法人保戶之實際受益人資訊。

Obtaining information of the beneficial owner of a juristic policyholder.

(3) 財務核保作業規定之相關資訊。

Relevant information on the financial underwriting operations.

- (4) 取得其他身分核實資料，如身分證及登記證照外之第二身分證明文件。

Obtaining other identity verification information, such as a second proof of identification other than the Identification card and the license of registration.

7. 保險經紀人公司依據本指引訂定之政策應經董事會(或分層授權之權責單位)通過後實施，並與其「防制洗錢及打擊資恐注意事項範本」陳報金融監督管理委員會備查；並應定期檢討。修改時亦同。

The policies enacted by an insurance broker company pursuant to the Guidelines shall be authorized by the board of directors (or delegated dedicated compliance unit) before implementation, and shall be filed to the Financial Supervisory Commission for recordation with its **【AML/CFT policies and procedures】**. The policies and any subsequent amendment thereto shall also be reviewed annually.