

MEMO# 25024

March 11, 2011

Letter from FinCEN to ICI on Beneficial Ownership Guidance

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TO: AML COMPLIANCE WORKING GROUP No. 2-11
TRANSFER AGENT ADVISORY COMMITTEE No. 20-11 RE: LETTER FROM FINCEN TO ICI ON
BENEFICIAL OWNERSHIP GUIDANCE

The Institute received a letter from the Financial Crimes Enforcement Network (“FinCEN”) providing an update on FinCEN’s efforts to respond to the issues raised in the joint industry association letter to FinCEN and the Securities and Exchange Commission, dated June 9, 2010, regarding the Guidance on Obtaining and Retaining Beneficial Ownership Information. [\[1\]](#)

The FinCEN letter, which is attached, states that FinCEN is continuing to work with their regulatory counterparts “to ensure field examiners are aware that, as the document states, the Guidance does not alter current expectations regarding the obtaining and retaining of beneficial ownership information.” The FinCEN letter further states that FinCEN is continuing to review, on a broad, interagency basis, issues raised in the joint industry association letter, including the definition of beneficial ownership, verification of information in the context of ownership of business entities, and expectations related to customer due diligence in the securities/futures industry.

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[Attachment](#)

endnotes

[\[1\]](#) The joint industry association letter is available at <http://www.ici.org/pdf/24354.pdf>.

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