



Perbadanan Insurans Deposit Malaysia
Protecting Your Insurance And Deposits In Malaysia

**GUIDELINES ON ASSESSMENT OF COMPLIANCE BY
DEPOSIT-TAKING MEMBERS WITH THE
PIDM ACT AND SUBSIDIARY LEGISLATION**

ISSUE DATE : 18 APRIL 2014



Perbadanan Insurans Deposit Malaysia
Protecting Your Insurance And Deposits In Malaysia

Ref No	DI/GL16/2014(CMPL)	Issued on	18 April 2014
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TABLE OF CONTENTS

SECTION 1: INTRODUCTION	1
SECTION 2: LEGAL PROVISIONS	1
SECTION 3: INFORMATION TO BE SUBMITTED.....	2

LIST OF APPENDICES

APPENDIX A: LIST OF PIDM SUBSIDIARY LEGISLATION FOR DEPOSIT-TAKING MEMBERS.....	4
APPENDIX B: SELF-ASSESSMENT QUESTIONNAIRE.....	6
APPENDIX C: FORMAT OF CERTIFICATION BY THE CHIEF EXECUTIVE OFFICER (OR MANAGING DIRECTOR) AND HEAD OF COMPLIANCE (OR CHIEF COMPLIANCE OFFICER)	17



Perbadanan Insurans Deposit Malaysia
Protecting Your Insurance And Deposits In Malaysia

Ref No	DI/GL16/2014(CMPL)	Issued on	18 April 2014
TITLE	GUIDELINES ON ASSESSMENT OF COMPLIANCE BY DEPOSIT-TAKING MEMBERS WITH THE PIDM ACT AND SUBSIDIARY LEGISLATION		

SECTION 1: INTRODUCTION

BACKGROUND

- 1.1 The objective of these Guidelines is to require deposit-taking members (“members” or “you”) to submit information regarding compliance with selected provisions of the Malaysia Deposit Insurance Corporation Act 2011 (“PIDM Act”) and PIDM’s Subsidiary Legislation (as listed in Appendix A).
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SECTION 2: LEGAL PROVISIONS

- 2.1 These Guidelines are issued pursuant to sections 202 and 209 of the PIDM Act.
- 2.2 These Guidelines are applicable to deposit-taking members.
- 2.3 Enquiries on these Guidelines may be directed to:

The General Counsel
Legal Division
Perbadanan Insurans Deposit Malaysia
Level 12, Quill 7
No. 9, Jalan Stesen Sentral 5
Kuala Lumpur Sentral
50470 Kuala Lumpur
Malaysia

General Line : 03-21737436

Fax : 03-21737534

E-mail: compliance@pidm.gov.my



Perbadanan Insurans Deposit Malaysia
Protecting Your Insurance And Deposits In Malaysia

Ref No	DI/GL16/2014(CMPL)	Issued on	18 April 2014
TITLE	GUIDELINES ON ASSESSMENT OF COMPLIANCE BY DEPOSIT-TAKING MEMBERS WITH THE PIDM ACT AND SUBSIDIARY LEGISLATION		

SECTION 3: INFORMATION TO BE SUBMITTED

COMPLETING THE SELF-ASSESSMENT QUESTIONNAIRE

- 3.1 The self-assessment questionnaire for the current compliance assessment is in Appendix B. The soft copy of Appendix B is available on PIDM's website (www.pidm.gov.my¹). You are required to fill in your answers in the soft copy. Your answers shall be based on information as at 31 March 2014, unless a different date is stipulated in the question.
- 3.2 Generally, you will not be required to submit documents to support your answers, unless otherwise specified in the questions. You are however, required to ensure that such supporting documents are available and can be readily submitted to PIDM upon request.
- 3.3 The member's Chief Executive Officer (or Managing Director) and Head of Compliance (or Chief Compliance Officer) are required to certify that the information given and the attachments (if any) are true and correct. The format of the certification is attached in Appendix C.

SUBMITTING THE COMPLETED SELF-ASSESSMENT QUESTIONNAIRE (APPENDIX B) AND THE SIGNED CERTIFICATION (APPENDIX C)

- 3.4 You are required to email the soft copy of the completed Appendix B to PIDM at compliance@pidm.gov.my no later than **20 June 2014**.
- 3.5 The signed certification (Appendix C), together with a printed copy of the completed Appendix B emailed to PIDM in accordance with paragraph 3.4, are to be delivered to the General Counsel at the address stated in paragraph 2.3 no later than **30 June 2014**.

FALSE STATEMENTS

- 3.6 Under section 193 of the PIDM Act, any person who prepares, signs, approves or concurs in any statement, report or other document required to be submitted to

¹ Go to "Downloads" tab and select "Forms".



Perbadanan Insurans Deposit Malaysia
Protecting Your Insurance And Deposits In Malaysia

Ref No	DI/GL16/2014(CMPL)	Issued on	18 April 2014
TITLE	GUIDELINES ON ASSESSMENT OF COMPLIANCE BY DEPOSIT-TAKING MEMBERS WITH THE PIDM ACT AND SUBSIDIARY LEGISLATION		

PIDM that he knows or has reason to believe is false, or contains false or misleading information, commits an offence and shall on conviction, be liable to a fine not exceeding RM3 million or to imprisonment for a term not exceeding three (3) years or to both and shall, in addition, be liable to a fine not exceeding RM30,000 for every day of the offence continues after conviction.

Perbadanan Insurans Deposit Malaysia
18 April 2014



Perbadanan Insurans Deposit Malaysia
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Ref No	DI/GL16/2014(CMPL)	Issued on	18 April 2014
TITLE	GUIDELINES ON ASSESSMENT OF COMPLIANCE BY DEPOSIT-TAKING MEMBERS WITH THE PIDM ACT AND SUBSIDIARY LEGISLATION		

Appendix A

LIST OF PIDM SUBSIDIARY LEGISLATION FOR DEPOSIT-TAKING MEMBERS²

Acts

1. Malaysia Deposit Insurance Corporation Act 2011

Regulations

1. Malaysia Deposit Insurance Corporation (Temporary Suspension Period) Regulations 2012
2. Malaysia Deposit Insurance Corporation (Disclosure Requirements For Trust Accounts And Joint Accounts) Regulations 2012
3. Malaysia Deposit Insurance Corporation (Overdue Charges) Regulations 2012
4. Malaysia Deposit Insurance Corporation (Differential Premium Systems in Respect of Deposit-Taking Members) Regulations 2011
5. Malaysia Deposit Insurance Corporation (Provision of Information on Deposit Insurance) Regulations 2011
6. Malaysia Deposit Insurance Corporation (Terms And Conditions Of Membership) Regulations 2008

Orders

1. Malaysia Deposit Insurance Corporation (Criteria in respect of Qualified Third Party) Order 2012
2. Malaysia Deposit Insurance Corporation (Annual Premium and First Premium in respect of Deposit-Taking Members) (Amendment) Order 2012
3. Malaysia Deposit Insurance Corporation (Allocation of Expenses, Costs or Losses) Order 2011
4. Malaysia Deposit Insurance Corporation (Deposit Insurance Limit) Order 2011
5. Malaysia Deposit Insurance Corporation (Annual Premium and First Premium in Respect of Deposit-Taking Members) Order 2011
6. Malaysia Deposit Insurance Corporation (Payment of Annual Premium in Respect of Deposit-Taking Members) Order 2011

² PIDM's website is updated from time to time. Member institutions are to check PIDM's website for the latest complete list of rules, regulations, by-laws, orders, notifications, guidelines, circulars, notes or any other subsidiary legislation issued under the PIDM Act. Please visit www.pidm.gov.my.



Perbadanan Insurans Deposit Malaysia
Protecting Your Insurance And Deposits In Malaysia

Ref No	DI/GL16/2014(CMPL)	Issued on	18 April 2014
TITLE	GUIDELINES ON ASSESSMENT OF COMPLIANCE BY DEPOSIT-TAKING MEMBERS WITH THE PIDM ACT AND SUBSIDIARY LEGISLATION		

Rules

1. Malaysia Deposit Insurance Corporation (Return or Interest on an Index-linked Deposit held by a Deposit-Taking Member) Rules 2012
2. Malaysia Deposit Insurance Corporation (Conversion into Ringgit in respect of a Foreign Currency Deposit) Rules 2012

Guidelines

1. Guidelines on Total Insured Deposits and Premiums
2. Guidelines on Validation Programme: Differential Premium Systems and Total Insured Deposits
3. Guidelines on Validation Programme: Deposit Information Systems and Submission
4. Guidelines on Deposit Insurance Coverage for Deposits
5. Guidelines on Premium Surcharge Framework
6. Guidelines on Deposit Information Systems and Submission
7. Guidelines on the Differential Premium Systems
8. Guidelines on Disclosure Of Deposit Insurance Information
9. Guidelines on Submission of Deposit Product Information



Perbadanan Insurans Deposit Malaysia
Protecting Your Insurance And Deposits In Malaysia

Ref No	DI/GL16/2014(CMPL)	Issued on	18 April 2014
TITLE	GUIDELINES ON ASSESSMENT OF COMPLIANCE BY DEPOSIT-TAKING MEMBERS WITH THE PIDM ACT AND SUBSIDIARY LEGISLATION		

Appendix B

SELF-ASSESSMENT QUESTIONNAIRE

Note: Upon completion, please email Appendix B to compliance@pidm.gov.my by 20 June 2014. To prevent inadvertent change or deletion of data from this worksheet, please password protect this worksheet.

(Go to: Review tab > Protect Sheet > Type your own password). Do not disclose the password to us.

Member Institution:	
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PART A: PROVISION OF INFORMATION ON DEPOSIT INSURANCE AND SUBMISSION OF DEPOSIT PRODUCT INFORMATION TO PIDM

Your answers in Part A shall be based on information as at 31 March 2014, unless a different date is stipulated in the question

No	Question	Choices	Your response (For Yes or No answer, please select your answer by clicking on the bottom right corner of the box below)
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Written procedures

A1	Does your bank have any written procedures to ensure that compliance issues are addressed in the development of new deposit products?	Yes, No [Go to Q A3]	
A2	If you have answered yes to Q A1, do the written procedures address compliance with the relevant provisions of the PIDM Act and PIDM Subsidiary Legislation?	Yes, No	

New products

A3	Did your bank launch any new deposit products in the second half of 2013?	Yes, No [Go to Q A7]	
A4	If you have answered yes to Q A3, state the names of the deposit products and their deposit types.		
A5	If you have answered yes to Q A3, were all the deposit product information submitted to PIDM before the launch of these deposit products? Note: If you did not submit the deposit product information of just one deposit product before launching the product, you should answer "No". Ref: Guidelines on Submission of Deposit Product Information	Yes [Go to Q A7], No [Go to Q A6]	



Perbadanan Insurans Deposit Malaysia
Protecting Your Insurance And Deposits In Malaysia

Ref No	DI/GL16/2014(CMPL)	Issued on	18 April 2014
TITLE	GUIDELINES ON ASSESSMENT OF COMPLIANCE BY DEPOSIT-TAKING MEMBERS WITH THE PIDM ACT AND SUBSIDIARY LEGISLATION		

A6	If you have answered no to Q A5, provide your explanation in the last column and state your action plan(s) to ensure that you comply with the of Guidelines on Submission of Deposit Product Information in future, and your timeline for completion of the action plan(s).	Explanation, Action Plan(s) and Timeline	
Unit trust schemes			
A7	Does your bank market unit trust funds on behalf of a unit trust company?	Yes, No [Go to Q A10]	
A8	If you have answered yes to Q A7, did your bank obtain acknowledgements from the customers that your bank has disclosed to him/her that: (a) unit trust schemes and units in such schemes are not insured by PIDM; and (b) any money withdrawn from an insured deposit for the purpose of purchasing any units in a unit trust scheme is not insured by PIDM? Note: If your response is “No” to either one of Q A8(a) or Q A8(b) or both, you should answer “No”. Ref: Reg 8 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011	Yes [Go to Q A10], No [Go to Q A9]	
A9	If you have answered no to Q A8, provide the explanation in the last column and state your action plan(s) to ensure compliance with Reg 8 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011 and your timeline for completion of the action plan(s).	Explanation, Action Plan(s) and Timeline	
Register of insured deposits			
A10	Does your bank display its register of insured deposits either at your branches or on your website? Ref: Reg 17 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011	Yes, No [Go to Q A12]	



Perbadanan Insurans Deposit Malaysia
Protecting Your Insurance And Deposits In Malaysia


Ref No	DI/GL16/2014(CMPL)	Issued on	18 April 2014
TITLE	GUIDELINES ON ASSESSMENT OF COMPLIANCE BY DEPOSIT-TAKING MEMBERS WITH THE PIDM ACT AND SUBSIDIARY LEGISLATION		

A11	<p>If you display your register of insured deposit at your website only, do you prominently display at your branches a notice informing the public that the register is available on your website?</p> <p>Ref: Reg 17(5) of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011</p>	<p>Yes No [Go to QA12]</p>	
A12	<p>If you have answered no to Q A10 or QA11, provide the explanation in the right column and state your action plan(s) to ensure that you comply with Reg 17 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011, and your timeline for completion of the action plan(s).</p>	<p>Explanation, Action Plan(s) and Timeline</p>	
A13	<p>Did your bank submit a copy of the register of insured deposits updated as at 31 May of each year to PIDM at the same time as the submission of the return on total insured deposits?</p> <p>Ref: Reg 17 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011</p>	<p>Yes [Go to Q A15], No [Go to Q A14]</p>	
A14	<p>If you have answered no to Q A13, provide your explanation in the last column and state your action plan(s) to ensure that the register of insured deposits is submitted according to the deadline set by PIDM and your timeline for completion of the action plan(s).</p>	<p>Explanation, Action Plan(s) and Timeline</p>	
Hybrid deposits			
A15	<p>Has your bank offered hybrid deposit to its customers? A hybrid deposit is a product that has: (a) an insured deposit component; and (b) an uninsured deposit component.</p>	<p>Yes, No [Go to Q A19]</p>	
A16	<p>If you have answered yes to Q A15, did your bank issue any agreement or document relating to the hybrid deposit?</p>	<p>Yes, No [Go to Q A18]</p>	

Ref No	DI/GL16/2014(CMPL)	Issued on	18 April 2014
TITLE	GUIDELINES ON ASSESSMENT OF COMPLIANCE BY DEPOSIT-TAKING MEMBERS WITH THE PIDM ACT AND SUBSIDIARY LEGISLATION		

A17	<p>If you have answered yes to Q A16, does the agreement or document clearly make a distinction between: (a) the insured deposit component; and (b) the uninsured deposit component, and incorporate the statements “Eligible for protection by PIDM” (or a statement having substantially the same meaning) or “Not insured by PIDM” (or a statement having substantially the same meaning), whichever the case may be.</p> <p>Ref: Reg 5 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011</p>	<p>Yes [Go to Q A19], No [Go to Q A18]</p>	
A18	<p>If you have answered no to Q A16 and/or Q A17, provide your explanation in the last column and state your action plan(s) to ensure compliance with Reg 5 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011, and your timeline for completion of the action plan(s).</p>	<p>Explanation, Action Plan(s) and Timeline</p>	
Hybrid products			
A19	<p>Has your bank offered hybrid products to its customers? A hybrid product is a product that has components of both: (a) an insured deposit or an uninsured deposit; and (b) a non-deposit product ?</p>	<p>Yes, No [Go to Q A23]</p>	
A20	<p>If you have answered yes to Q A19, did your bank issue any agreement or document relating to the hybrid product?</p>	<p>Yes, No [Go to Q A22]</p>	
A21	<p>If you have answered yes to Q A20, does the agreement or document clearly make a distinction between: (a) the insured deposit or uninsured deposit component; and (b) the non-deposit component of the hybrid product, and incorporate the statements “Eligible for protection by PIDM” (or a statement having substantially the same meaning) or “Not insured by PIDM” (or a statement having substantially the same meaning), whichever the case may be.</p> <p>Ref: Reg 6 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011</p>	<p>Yes [Go to Q A23], No [Go to Q A22]</p>	

Ref No	DI/GL16/2014(CMPL)	Issued on	18 April 2014
TITLE	GUIDELINES ON ASSESSMENT OF COMPLIANCE BY DEPOSIT-TAKING MEMBERS WITH THE PIDM ACT AND SUBSIDIARY LEGISLATION		

A22	If you have answered no to Q A20 and/or Q A21, provide the explanation in the right column and state your action plan(s) to ensure compliance with Reg 6 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011, and your timeline for completion of the action plan(s).	Explanation, Action Plan(s) and Timeline	
General			
A23	Are you aware of any incident of breach or complaints of breach of the requirement to make true, correct and complete representations with respect to what constitutes, or does not constitute an insured deposit? Ref: Reg 9 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011	Yes, No [Go to Q A25]	
A24	If you have answered yes to Q A23, please provide brief details of the incident referred to in Q A23 in the right hand column.	Details of incident	
Membership signs			
A25	Does your bank display the PIDM membership sign, in such form including such size and proportion as may be required by PIDM, prominently at each entrance of each of your offices in a manner that the membership sign is clearly visible? Example of the membership sign is as follows:  Ref: Reg 14 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011	Yes [Go to Q A27], No [Go to Q A26]	
A26	If you have answered no to Q A25, provide your explanation in the last column and state your action plan(s) to ensure that your bank complies with Reg 14 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011, and your timeline for completion of the action plan(s).	Explanation, Action Plan(s) and Timeline	

Ref No	DI/GL16/2014(CMPL)	Issued on	18 April 2014
TITLE	GUIDELINES ON ASSESSMENT OF COMPLIANCE BY DEPOSIT-TAKING MEMBERS WITH THE PIDM ACT AND SUBSIDIARY LEGISLATION		

Acknowledgement by depositors

A27	<p>Immediately before a customer opens any account or purchases any insured or uninsured deposit, does your bank:</p> <p>(a) draw the customer’s attention to whether the money that your bank has received is an insured or uninsured deposit;</p> <p>(b) provide the customer with a copy of brochure supplied by PIDM; and</p> <p>(c) request for the customer’s acknowledgement in writing that he/she has been notified of the statement under paragraph (a) and has received the brochure under paragraph (b).</p> <p>Note: If your response is “No” to either one of (a), (b) or (c), you should answer “No”.</p> <p>Ref: Reg 18 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011</p>	<p>Yes, No [Go to Q A28]</p>	
A28	<p>If you have answered no to Q A27, provide your explanation in the last column and state your action plan(s) to ensure that your bank complies with Reg 18 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011, and your timeline for completion of the action plan(s).</p>	<p>Explanation, Action Plan(s) and Timeline</p>	

Gold or silver (or other precious metals) accounts

A29	<p>Does your bank offer any gold or silver (or precious metals) accounts?</p>	<p>Yes [Go to Q A30] No</p>	
A30	<p>If you have answered yes to Q A29, did you submit the deposit product information to PIDM?</p>	<p>Yes No [Go to Q A32]</p>	
A31	<p>If you have answered yes to Q A29 and/or Q A30, did you state on the instrument evidencing the deposit the following statements or a statement having substantially the same meaning:</p> <p>(a) “Not insured by PIDM”; or</p> <p>(b) “Not insured by Perbadanan Insurans Deposit Malaysia”.</p> <p>Ref: Reg 4 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011</p>	<p>Yes No [Go to Q A32]</p>	
A32	<p>If you have answered no to Q A30 and/or Q A31, provide your explanation in the last column and state your action plan(s) to ensure that your</p>	<p>Explanation, Action Plan(s) and Timeline</p>	



Perbadanan Insurans Deposit Malaysia
Protecting Your Insurance And Deposits In Malaysia

Ref No	DI/GL16/2014(CMPL)	Issued on	18 April 2014
TITLE	GUIDELINES ON ASSESSMENT OF COMPLIANCE BY DEPOSIT-TAKING MEMBERS WITH THE PIDM ACT AND SUBSIDIARY LEGISLATION		

bank complies with Reg 4 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011, and your timeline for completion of the action plan(s).

Deposit products eligible for protection by PIDM

- A33 Where you have issued an instrument in writing or by electronic means that evidences an insured deposit, do you include, on its face, one of the following statements or a statement having substantially the same meaning:
(a) "Eligible for protection by PIDM"; or
(b) "Eligible for protection by Perbadanan Insurans Deposit Malaysia".
- Yes
No [Go to Q A34]

Ref: Reg 3 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011

- A34 If you have answered no to Q A33, provide your explanation in the last column and state your action plan(s) to ensure that your bank complies with Reg 3 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011, and your timeline for completion of the action plan(s).
- Explanation, Action Plan(s) and Timeline

Deposit products not eligible for protection by PIDM

- A35 Where you have issued an instrument in writing or by electronic means that evidences an uninsured deposit, do you include, on its face, one of the following statements or a statement having substantially the same meaning:
(a) "Not insured by PIDM"; or
(b) "Not insured by Perbadanan Insurans Deposit Malaysia".
- Yes
No [Go to Q A36]

Ref: Reg 4 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011

- A36 If you have answered no to Q A35, provide your explanation in the last column and state your action plan(s) to ensure that your bank complies with Reg 4 of the Malaysia Deposit Insurance Corporation (Provision of Information in Deposit Insurance) Regulations 2011, and your timeline for completion of the action plan(s).
- Explanation, Action Plan(s) and Timeline



Perbadanan Insurans Deposit Malaysia
Protecting Your Insurance And Deposits In Malaysia

Ref No	DI/GL16/2014(CMPL)	Issued on	18 April 2014
TITLE	GUIDELINES ON ASSESSMENT OF COMPLIANCE BY DEPOSIT-TAKING MEMBERS WITH THE PIDM ACT AND SUBSIDIARY LEGISLATION		

PART B: DISCLOSURE REQUIREMENTS FOR JOINT AND TRUST ACCOUNTS

Your answers in Part B shall be based on information as at 31 March 2014, unless a different date is stipulated in the question

No	Question	Choices	Your response (For Yes or No answer, please select your answer by clicking on the bottom right corner of the box below)
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Disclosure on opening trust account

B1	<p>When a depositor who is acting as a trustee opens an account with your bank, do you ensure that the trustee submits the following information to your bank:</p> <ul style="list-style-type: none">(a) a statement that the deposit in the trust account is held by the trustee;(b) the trust account number;(c) the trustee's name, address and identity card or passport number or any other acceptable identification;(d) the name and address of each beneficiary or the alphanumeric code or any other code or identifier for such beneficiary; and(e) the amount or percentage of each beneficiary's interest in the trust account? <p>Note: If your response is "No" to any one of (a) to (e), you should answer "No".</p> <p>Ref: Reg. 3 of the Malaysia Deposit Insurance Corporation (Disclosure Requirements for Trust Accounts and Joint Accounts) Regulations 2012</p>	<p>Yes, No, We do not have any trust accounts [No further questions]</p>	
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Perbadanan Insurans Deposit Malaysia
Protecting Your Insurance And Deposits In Malaysia

Ref No	DI/GL16/2014(CMPL)	Issued on	18 April 2014
TITLE	GUIDELINES ON ASSESSMENT OF COMPLIANCE BY DEPOSIT-TAKING MEMBERS WITH THE PIDM ACT AND SUBSIDIARY LEGISLATION		

Notice to trustees on annual disclosure in respect of trust account

B2	<p>Did your bank notify trustees who act for two or more beneficiaries in a single trust account of their annual disclosure requirements*, before 31 March?</p> <p>Ref: Reg. 5 of the Malaysia Deposit Insurance Corporation (Disclosure Requirements for Trust Accounts and Joint Accounts) Regulations 2012</p> <p><u>*Trustees' annual disclosure requirements:</u> Under Reg. 4 of the Malaysia Deposit Insurance Corporation (Disclosure Requirements for Trust and Joint Accounts) Regulations 2012, a trustee acting for two or more beneficiaries is required to submit to his or her bank the following information, on or before 31 March of every assessment year: (a) the trust account number; (b) the trustee's name, address and identity card or passport number or any other acceptable identification; (c) the name and address of each beneficiary or the alphanumeric code or any other code or identifier for such beneficiary, as at 31 December of the preceding assessment year; and (d) the amount of percentage of each beneficiary's interest in the trust account as at 31 December of the preceding assessment year.</p>	Yes, No [Go to Q B3]	
B3	<p>If you have answered no to Q B1 or Q B2, please state your action plan(s) to ensure that your bank will comply with the requirements set out in Regs 3 or 5 of the Malaysia Deposit Insurance Corporation (Disclosure Requirements for Trust Accounts and Joint Accounts) Regulations 2012, whichever the case may be.</p>	Action Plans and Timeline	



Perbadanan Insurans Deposit Malaysia
Protecting Your Insurance And Deposits In Malaysia

Ref No	DI/GL16/2014(CMPL)	Issued on	18 April 2014
TITLE	GUIDELINES ON ASSESSMENT OF COMPLIANCE BY DEPOSIT-TAKING MEMBERS WITH THE PIDM ACT AND SUBSIDIARY LEGISLATION		

PART C: CONFIDENTIALITY OF INFORMATION

Your answers in Part C shall be based on current information

No	Question	Choices	Your response (For Yes or No answer, please select your answer by clicking on the bottom right corner of the box below)
C1	<p>Are you aware that the following information is confidential (“Information”) and must not be disclosed or published unless the disclosure is permitted under any law or court order or for the purpose of your bank performing its duties or carrying out the provisions of any law or any regulation, guideline or instruction made by Bank Negara Malaysia or PIDM:</p> <p>(a) Your bank’s score for any ratio or criteria of the differential premium systems (“DPS”); (b) Your bank’s composite score of the DPS; (c) Premium category in which your bank is or has been classified; (d) Premium rate that is or was applicable to your bank; and (e) The amount of premium payable or paid by your bank.</p> <p>Note: If your response is “No” to any one of (a), (b), (c), (d) or (e) above, you should answer “No”.</p> <p>Ref: Para 3.6 of the Guidelines on the Differential Premium Systems 2011</p>	Yes, we are aware, No, we are not aware	
C2	Do you inform or brief your directors, officers, employees or agents concerning the prohibition against public disclosure of the Information?	Yes, No [Go to Q C3]	
C3	If you have answered no to Q C2, provide your explanation in the last column and state your action plan(s) to ensure that directors, officers, employees or agents of your bank will be made aware of the prohibition against public disclosure or publication of the Information and your timeline for completion of the action plan(s).	Explanation, Action Plan(s) and Timeline	



Perbadanan Insurans Deposit Malaysia
Protecting Your Insurance And Deposits In Malaysia

Ref No	DI/GL16/2014(CMPL)	Issued on	18 April 2014
TITLE	GUIDELINES ON ASSESSMENT OF COMPLIANCE BY DEPOSIT-TAKING MEMBERS WITH THE PIDM ACT AND SUBSIDIARY LEGISLATION		

PART D: ABOUT YOUR COMPLIANCE FUNCTION

Your answers in Part D shall be based on current information

No	Question	Choices	Your response (For Yes or No answer, please select your answer by clicking on the bottom right corner of the box below)
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D1	Please state the name, phone number and email address of your bank's chief compliance officer.	Name: Phone No: Email Address:	
D2	Who does the chief compliance officer report to?		
D3	Please provide the organisational chart of the compliance function and the number of staff in your bank's compliance function.	Attach a separate document if necessary	
D4	Does your bank train employees on PIDM regulatory and legal requirements?	Yes, No	
D5	If you have answered Yes to Q D4, who is/are responsible for such training, and how regular are these trainings (including refresher trainings)? Give some examples of the topics relating to PIDM regulatory and legal requirements that have been conducted.		
D6	Describe briefly your bank's processes to ensure that your bank's policies and procedures reflect current PIDM regulatory and legal requirements. If you do not have such processes, answer "Nil".		
D7	Has your bank conducted any internal assessments to check if PIDM regulatory and legal requirements are complied with?	Yes, No	
D8	If you have answered Yes to Q D7, what were the areas assessed and when were the assessments carried out?		
D9	Is PIDM's website user friendly and do you find it easy to obtain the latest PIDM laws and regulations?	Yes, No	
D10	If you have answered No to Q D9, state your reasons and provide suggestions on how we can improve.		



Perbadanan Insurans Deposit Malaysia
Protecting Your Insurance And Deposits In Malaysia

Ref No	DI/GL16/2014(CMPL)	Issued on	18 April 2014
TITLE	GUIDELINES ON ASSESSMENT OF COMPLIANCE BY DEPOSIT-TAKING MEMBERS WITH THE PIDM ACT AND SUBSIDIARY LEGISLATION		

Appendix C

**FORMAT OF CERTIFICATION BY THE CHIEF EXECUTIVE OFFICER (OR MANAGING DIRECTOR)
AND HEAD OF COMPLIANCE (OR CHIEF COMPLIANCE OFFICER)**

[On the Deposit-Taking Member’s Letterhead]

Perbadanan Insurans Deposit Malaysia
Level 12, Quill 7
No 9, Jalan Stesen Sentral 5
Kuala Lumpur Sentral
50470 Kuala Lumpur

CONFIDENTIAL

(Attention: General Counsel)

Dear Sirs,

Re: Guidelines on Assessment of Compliance by Deposit-Taking Members with the PIDM Act and Subsidiary Legislation (“the Guidelines”)

The soft copy of the self-assessment questionnaire in respect of [name of deposit-taking member] has been completed and submitted to Perbadanan Insurans Deposit Malaysia in accordance with the Guidelines.

We declare that all the information given in the self-assessment questionnaire and the attachments, if any, are true and correct. A printed copy of the completed self-assessment questionnaire is attached for your records.

Yours faithfully,

.....
(Name of Head of Compliance/Chief Compliance Officer)
(Name of Bank)
Date:

.....
(Name of Chief Executive Officer/Managing Director)
(Name of Bank)
Date:

Encl.
Completed self-assessment questionnaire