Appendix 7.3: EU FIUs access to data in detail[[1]](#footnote-1)

The **Austrian** FIU is a police FIU. This is seen by the Austrian representatives as a big advantage, because the officers working in the FIU have full investigative and executive powers and have access to all police databases. Located within the Criminal Intelligence Service Austria, the FIU can immediately cooperate with all other departments and sub-departments within the headquarters and can give instructions to all subordinate police offices. According to the FIU representative, it has direct access to the land registry, commercial registry and the social security registry. It can request information from the rest. With respect to financial information, however, the FIU needs to be authorized with judicial admission when requesting information on bank accounts and bank operations.

According to the FIU representative, a royal decree setting up the Central Bank Account Registry in **Belgium** has been adopted, but the entire project still needs to be operationalized. The FIU has access to EURO DB (a commercial database), which contains information on all companies in Belgium. It has the same information as the Belgian public companies register, but a better search engine. The Belgian FIU has four liaison officers; one from the Belgian intelligence service, one from customs and two police liaison officers. These provide direct access to their respective databases.

As the **Bulgarian** FIUdid not specifically disclose information as to which databases the FIU has access to, the information presented in Table 7.4 of the book is based solely on the comments of the Bulgarian representatives. The FIU is therefore said to have direct access to the customs database and it can have access upon request to the rest of the abovementioned databases.

**MOKAS** has access to the ongoing investigations database of the police, hence not only to the criminal records. Further, the FIU has access to a law enforcement database. Here it can see which agencies of the police or other investigating authorities are investigating or have information on the suspect. The FIU has access to a centralized real estate register, and the authorities mentioned that this is a very good digital register. The FIU uses liaison officers to look into the files of the social insurance database and into the tax database. Furthermore, all the relevant stakeholders in the AML/CTF fight have centralized databases in Nicosia, which makes it easy for the investigators of the FIU to reach the specific institution and receive the information in person. Since Cyprus is a small country, requesting information and receiving it can be done quite easily and quickly.

In the **Czech Republic** the FAU is connected to the police and to the major banks through a system called ‘MoneyWeb’. According to the Czech representatives, this encrypted system is very efficient. Moreover, according to the Czech representative, the FIU has broader access to databases than the police, who usually request its assistance. The FIU can request information from the police, from the intelligence services, from the tax authorities and from customs.[[2]](#footnote-2) Through MoneyWeb, the FAU can access specific and detailed information from the Central Register of inhabitants and foreigners, in electronic format. There is no central bank register, but the FIU is currently developing a Central Register of Accounts. According to MONEYVAL (2011c), the FIU ‘requests information from the police relating to criminal records, convictions, current investigations, individuals under supervision and judicial control and/or under investigation but not convicted, as well as making foreign police requests for assistance where necessary. In urgent cases, the FIU analysts may request and obtain information from the domestic police within 24 hours’.[[3]](#footnote-3) The Czech representative confirms that information can be collected within the deadlines set by the FIU and, if urgent, the FIU can send a staff member on site to collect it.

In **Denmark**, at present each database is manually accessed. The Danish FIU makes no formal distinction between the analytical stage and the subsequent investigation stage, because it is all done within the FIU/SOK. According to the Danish representative, the FIU has direct access to approximately 17 different databases. There is no central bank register in Denmark. This information, as well as custom data, is available upon request. To accommodate the fact that the FIU does not have direct access to the tax database, three employees of the Central Tax Administration have been assigned to the FIU. They conduct the preliminary analysis of the reports where the tax databases need exploration.

The **Estonian** FIU has access to data subject to banking and tax secrecy. In practice the FIU has direct access to surveillance and other law enforcement information through police information systems/databases and to various state and local government databases.[[4]](#footnote-4) According to the Estonian representative, the FIU also has online access to the tax database, via the police database. In Estonia there is no central bank register, but, according to the Estonian representative, this would be very beneficial. The FIU has direct online access to: the commercial register, inhabitants register, real estate, social security and vehicle register. Using the internet it can access more databases, and it can use the police intranet for criminal records. The FIU has powerful IT facilities which can link the information of these databases. Surprisingly though, despite being located within the Police and Border Guard Board, it does not have direct access to the customs database.

In **Finland**, the FIU has direct access to all the above-mentioned databases, and employs a liaison officer from the tax authority for speedy access to this database. It is not often that the FIU requests further information from the financial sector. Nevertheless, information is obtained from the financial sector within a few days of the receipt of the initial request for information.[[5]](#footnote-5) This is supported by the Finnish representative, who mentions that a central bank account register is not available in Finland.

The Monetary and Financial Codes give the **French** FIU, TRACFIN, the right to access all information held by public authorities. TRACFIN has therefore direct access to among others a central bank accounts register (FICOBA), to the tax database (ADONIS), the commercial database (BNTP) and the customs database. Furthermore, through its liaison officers, TRACFIN has access to police databases, to judicial databases (through the detached prosecutor) and internationally to EUROPOL and SIS. Despite being an administrative FIU, TRACFIN therefore has access to police intelligence beyond the criminal records (FNA) database.[[6]](#footnote-6)

According to FATF (2010e), the **German** FIU has direct access to law enforcement information as well as timely, direct, usually online, access to a number of governmental and non-governmental information sources, including persons’ registries, drivers’ licence and motor vehicle registries. The FIU may also access commercially or publicly available databases, normally online, as well as information from Interpol, Europol, liaison officers of the Federal Criminal Police abroad and foreign FIUs (FIU.NET and Egmont).[[7]](#footnote-7) If relevant information is found in those checks it is communicated to the relevant Land police – who sometimes do not have access. The particularity of the German system is that the analysis of the STR is done by more agencies due to their very different data access capacities: the Land police offices and FIU. The FIU takes a coordinative role and complements this with intelligence from foreign contacts.

The **Greek** FIU has access to a number of databases in a speedy manner due to the fact that its staff is employed by detachment from a wide pool of institutions involved in the AML/CTF fight and due to the fact that it has access to the database of the AML/CTF/SFI Authority. As previously mentioned, this authority comprises several agencies performing the tasks of AROs, supervision of financial entities and of PEPs and more. The Greek FIU’s organization is similar to that of Portugal and of Cyprus in its wide use of liaison officers working together with the FIU, thereby granting it speedy and reliable access to information from as many databases as possible.

The **Hungarian** FIU has restricted direct access to the police database (which contains all ongoing investigations concerning criminal offences or contraventions investigated by the Hungarian police). However, if the FIU identifies any match in the police database during its analytical work, the FIU can obtain more information by reference to the police via phone or officially in written form. Although the FIU has direct access to most of the relevant databases, they would benefit from unrestricted direct online access to all police databases.[[8]](#footnote-8) Furthermore, the HFIU has, among other things, direct access to the national criminal records, to the customs investigating database, to the company register and to the land register. Finally, the HFIU has access to bank account data upon request[[9]](#footnote-9) and, since the merger of the customs and tax authorities, the HFIU has access to the Hungarian tax authority database.

In **Ireland** the 2010 Act stipulates that STRs must be submitted to both the FIU and the Revenue Commissioners. The FIU and the Revenue Commissioners meet every six to eight weeks to discuss which STRs will be processed by the FIU and which can be passed to the Revenue Commissioners. According to the FIU representative, the Irish FIU has direct access to real estate and indirect access to taxation, through a new police act, which allows fast information exchange, especially during investigations.[[10]](#footnote-10) Customs is part of the Revenue Commissioners. The Revenue Commissioners forward cash declarations to the FIU. The FIU therefore has indirect access to the customs’ database. The FIU Unit has direct access to the STR database and to the Garda databases (criminal records, ongoing criminal investigations). The FIU also has direct access to commercial databases, of which World Check is the most prominent. The FIU does not have direct access to, for example, the social security database, but they can inquire if necessary. These databases are usually checked during the criminal investigation stage by the investigation units of the Garda, and not by the FIU at the first analytical stage. The Revenue Commissioners have direct access to their own databases, and keep their own STR database. There is no Central Bank Account Registry in Ireland and there are currently no legislative drafts under way.

In **Italy** the FIU forwards almost all of the STRs to the LEAs because it has no access to LEA databases for domestic cases, as well as no access to real estate and social security databases. This seems to be an issue of interpretation of the AML Law because there is no specific provision requiring this to happen. The lack of access by the FIU to these databases is a strange particularity of the Italian FIU and was reported as a considerable problem vis-à-vis EU and international standards. The second particularity is that this restriction does not apply to requests from foreign FIUs. The FIU can obtain law enforcement information when this is needed to respond to requests from foreign FIUs, as required by relevant international and EU provisions.[[11]](#footnote-11)

The **Latvian** FIU has online access to 78 databases.[[12]](#footnote-12) According to the Latvian representative, extra information can be requested from any state institution in writing or electronically and this information has to be provided within seven days. The response time for the obliged entities has been halved as of 2007.[[13]](#footnote-13) With respect to bank information, a central account register of legal persons has existed since 2007, but there is no centralized register for accounts of natural persons.

In **Lithuania** the FIU has to request access to the tax database and to the commercial register. Mutual agreements are in place between the FIU and the State tax inspectorate such that the FIU receives electronic information on natural/legal persons’ accounts and returns under suspicion of ML or TF.[[14]](#footnote-14) According to the Lithuanian representative, the FIU can ask directly (and without the permission of the investigative authorities) for access to banking, financial and commercial databases, whereas other investigative authorities cannot require banks to provide them with the same information.

The **Luxembourg** FIU has direct desk access to the PPO database. This contains information on all reports of crime and all incoming MLA requests. Furthermore, the FIU has desk access to the commercial database and the company register. Access to other databases must be requested.[[15]](#footnote-15) The FIU does not have direct access to the tax database, but, after analysis, a prosecutor can access it on request. Thus the FIU cannot reply to international requests for tax information only. Since all civil servants in Luxembourg have a legal duty to report suspicion of ML/TF to the FIU,[[16]](#footnote-16) it is possible for the tax office to file a report to the FIU. The FIU has access to police intelligence via a liaison officer that is detached from the police force to work part time at the FIU. The FIU has a secured online communication channel with this liaison officer. In Luxembourg there is currently no central bank account register. However, the FIU can issue a circular letter requesting from the banks in Luxembourg (or any obliged entity under ML/TF law) information if a person holds, has a proxy or is the beneficial owner of an account. According to the FIU representative, access to real estate information is not an issue as this is public information.

The representatives of the **Maltese** FIU observed that direct access to police databases would facilitate the process of obtaining law enforcement information for analytical purposes. However, the possibility of obtaining direct access to such databases is remote in view of the fact that the FIU is an administrative unit. Therefore the solution of employing a police liaison officer was used. Being a small country, the FIU representatives argue they have not experienced problems in obtaining information through requests (nationally), any difficulties in this sense relating to obtaining information from the international community.

The **Dutch** FIU has access to financial, administrative and law enforcement information. With respect to police data, it can access the VROS – a police database which contains arrests, criminal records, and criminal intelligence files – and the ‘Blueview’ – which allows it access to enforcement updates and investigation information. Furthermore, the FIU-NL has access to inter alia tax, income, assets, turnover of companies, and imported/exported goods databases through its liaison officers of FIOD. Finally, the FIU has also signed several agreements with the tax and customs administration, and with FIOD-ECD, the Real Estate Information Centre for the exchange of information.[[17]](#footnote-17) However, access to customs information related to the cross-border transportation of cash is not entirely adequate. The FIU only receives the data from hand-written cross-border declarations. The FIU reports frequent errors.[[18]](#footnote-18)

The **Polish** FIU is an administrative FIU that has online direct access to the police national crime register. When conducting the analysis of an STR, the Polish representative argued that the FIU will check the STRs database, the police database, tax/customs database, register of companies and internet and other publicly available information. The FIU is given online access to several databases according to Article 19 of the Criminal Information Act.[[19]](#footnote-19) Prosecutor’s office data and other police operational databases can be accessed upon request by the FIU.

The **Portuguese** FIU belongs to the judicial police. However, according to the FIU representatives, the judicial police have no access to ongoing criminal proceedings where they are not competent. In this case the PPO and not the judicial police can access the information available on ongoing investigations. Furthermore, the FIU employs liaison officers (in a Liaison Standing Group – LSG) from the tax and customs office in order to increase its access to these databases. According to the Portuguese representative, the FIU still does not have a liaison officer from social security within the LSG, as was indicated in the Annual Report 2010. The FIU would like access to their database but there are several issues of personal privacy that are at stake.

The **Romanian** FIU has direct access to police data, but not to all police records. Romania has a CBAR. This is reported to be a useful tool, as it identifies the account and the bank where the account is open in Romania. The FIU can directly contact the specific bank for more information on the account.

The **Slovak** FIU has direct access to the Information systems of the Ministry of Interior and of the police force, which includes among other things the registry of population, the registry of vehicles, criminal records registry, information on ongoing criminal investigations/prosecutions and more. The real estate registry and the commercial registry are open sources of information. The Slovak FIU has indirect access to bank information, since it has to hand a written request to banks asking for information on an ongoing investigation. According to the FIU representative, the tax and customs registries are also directly available to the FIU.

In **Slovenia**, the FIU has direct access to the police database (only to criminal records). According to the Slovenian representative, the OMLP has direct access to the central bank accounts registry. This allows the FIU to find out instantly whether someone has a bank account and at which bank. This applies to both residents and non-residents of Slovenia. Further, the OMLP has direct access to commercial registries and to the real estate registries. According to the Slovenian representative, direct access to the CTR database of the tax authority would be an improvement, but there are still a lot of open issues that need to be resolved before this would be possible. Furthermore, under a written request, the OMLP has indirect access to the databases of the tax administration, customs, the supervision agencies, and the Slovenian intelligence and security agency.[[20]](#footnote-20)

In **Sweden** there exists no central bank account register and the FIU currently requests information from all the banks in Sweden. During an ongoing criminal investigation the investigating unit has access to financial information according to the criminal investigation regulation.[[21]](#footnote-21) According to the Swedish representative, the FIU has an integrated IT system which gives it direct access to 11 databases: police, real estate, social security commercial registrar, passport register and more.

The **Spanish** FIU, SEPBLAC, has access to various police databases, tax and customs authorities. This is done via liaison officers working within SEPBLAC. These officers can provide analysts with all relevant criminal data. With the exception of the real estate and commercial register, the FIU can only access other databases on the basis of a request.

According to the FIU representative, the UKFIU has direct access to the land registry (i.e. real estate). For customs and tax registries UK FIU has specific gateways that are reliable and fast. The **UK** does not have a central bank account registry and the FIU does not see a need for such a registry, as this would yield an immense database due to the financial flows passing through the UK. Issues related to the security of such an aggregate database would arise and the benefits for the FIU would not be sufficient to justify it. As part of SOCA, the UK FIU has *direct* access to a number of domestic law enforcement sources, in particular: two other SOCA intelligence databases, the police national computer (effectively a database of all criminal convictions in the UK), JARD (the asset recovery database), and the Egmont Secure Web (ESW). There are no time constraints in relation to the FIU’s utilization of these sources.[[22]](#footnote-22) The UK FIU also has access to the police national database (PND) which delivers an integrated, effective, national, regional and local information sharing and intelligence capability, which will improve the ability of the police and partner agencies to proactively use information for intelligence purposes.

1. This is an online appendix to *The Economic and Legal Effectiveness of the European Union’s Anti-Money Laundering Policy*, Chapter 7. [↑](#footnote-ref-1)
2. Section 30 of the Czech AML/CFT Law. [↑](#footnote-ref-2)
3. MONEYVAL (2011c), pp. 70–71. [↑](#footnote-ref-3)
4. MONEYVAL (2008b), p. 71. [↑](#footnote-ref-4)
5. FATF (2007b), p. 62. [↑](#footnote-ref-5)
6. FATF (2011a), p. 187. [↑](#footnote-ref-6)
7. FATF (2010e),p. 100. [↑](#footnote-ref-7)
8. MONEYVAL (2010c),p. 54. [↑](#footnote-ref-8)
9. MONEYVAL (2010c), pp. 54–5. [↑](#footnote-ref-9)
10. We have not yet been able to confirm the details of the police act referred to. [↑](#footnote-ref-10)
11. Article 9, par. 3, of Legislative Decree 231/2007. [↑](#footnote-ref-11)
12. MONEYVAL (2006), p. 56. [↑](#footnote-ref-12)
13. MONEYVAL (2009a), p. 6. [↑](#footnote-ref-13)
14. MONEYVAL (2009), p. 10. [↑](#footnote-ref-14)
15. Article 48-24 of June 2009 gives an overview of all databases to which the FIU has access to. [↑](#footnote-ref-15)
16. Article 23(2) du Code d’instruction Criminelle Luxembourgeois. [↑](#footnote-ref-16)
17. FATF (2011b), p. 89. [↑](#footnote-ref-17)
18. Ibid., p. 90. [↑](#footnote-ref-18)
19. MONEYVAL (2006), ‘Third Round Assessment Report on Poland’, p. 53. [↑](#footnote-ref-19)
20. MONEYVAL (2010), ‘Fourth Assessment Visit in Poland’, pp. 40–41. [↑](#footnote-ref-20)
21. FATF (2006d), p. 53. [↑](#footnote-ref-21)
22. FATF (2007d), *Third Mutual Evaluation on the United Kingdom*, p. 83. [↑](#footnote-ref-22)