



BULLETIN NUMBER: FI-14-001

TITLE: PERSONAL INFORMATION REQUIRED OF DIRECTORS, SENIOR OFFICERS, SUBSCRIBERS AND SHAREHOLDERS

LEGISLATION: *FINANCIAL INSTITUTIONS ACT (FIA)*
CREDIT UNION INCORPORATION ACT (CUIA)
TRUST AND DEPOSIT BUSINESS EXEMPTION REGULATION

DATE: JANUARY 2014

DISTRIBUTION: All Directors, CEOs and General Managers of British Columbia Provincially Regulated Financial Institutions

PURPOSE

This bulletin sets out the Financial Institutions Commission's (FICOM) requirements for provincially regulated financial institutions regarding information required of directors, senior officers, subscribers and shareholders controlling ten or more per cent of the voting shares (DSOs).

BACKGROUND INFORMATION

Sections 13(2)(e), 22(2)(c) and 105 of the FIA, section 3(c)(i) of the Trust and Deposit Business Exemption Regulation, and sections 11(3)(e) and 15.1(5)(a)(iii) of the CUIA, require DSOs, or proposed DSOs, of a financial institution to complete and submit a personal information return (PIR) before commencing duties.

REQUIREMENTS

In order for FICOM to assess a DSO's suitability for office, the following documents must be submitted to FICOM before a DSO commences duties¹:

1. PIR;
2. Resume;
3. Bankruptcy and Insolvency Check; and
4. Criminal Record Check.

PIR

The [PIR](#) for DSOs can be found on the FICOM website.

Resume

A resume or curriculum vitae that includes employment history up to the date of submission must be provided.

Bankruptcy and Insolvency Check

DSOs must disclose whether they have ever been subject to bankruptcy proceedings, and if so, they need to explain whether they have been discharged and attach proof of discharge. DSOs who are discharged bankrupts must provide a copy of the assignment in bankruptcy and a list of all creditors. A bankruptcy and insolvency check can be obtained from the [Office of the Superintendent of Bankruptcy Canada](#).

Criminal Record Check

FICOM accepts a name/birthdate-based criminal record check and no longer requires a fingerprint-based check. DSOs must supply FICOM's staff with a current and original Certified Criminal Record Check (CCRC), which is dated not more than three months prior to the date of submission.

¹For certain exempt societies under the *Trust and Deposit Business Exemption Regulation* only the PIR is required. Please review the *Trust and Deposit Business Exemption Regulation* for further details at http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/173_2008

A DSO must obtain a CCRC based on his or her date of birth from their local police station or a third party service provider. Third party service providers include:

- Canadian Corps of Commissionaires;
- L-1 Identity Solutions;
- Express Pardons;
- BackCheck; and
- International Fingerprinting Services.

DSOs must complete a “Third Party Waiver of Consent” form which authorizes the police authority to send the CCRC directly to FICOM, or the individual must forward his or her original CCRC to FICOM. In circumstances where a CCRC based on the name and date of birth of the DSO shows a significant criminal record or FICOM has concerns over the identity of the individual, the DSO may be required to obtain a CCRC based on the applicant’s fingerprints.

The DSO must disclose whether he or she has been charged or convicted without pardon of any criminal offence or offences, under any law of any province, state or country. If the DSO does have a criminal record or pending criminal charges, he or she must provide a detailed explanation of them, including the circumstance under which the charges were laid, the specific offences, whether they resulted in convictions, relevant dates, and a description of the disposition of the charges and any penalty imposed.

The existence of a criminal record or outstanding criminal charges will not necessarily preclude the DSO from the office. In determining whether a criminal record or an outstanding criminal record will make a DSO unsuitable for their positions, FICOM will take into consideration:

- the seriousness and number of offences;
- the nature of the offence or offences, and whether they relate to acts of dishonesty or deception, or demonstrate a risk of potential harm to the public;
- the length of time which has elapsed since the date of the offence or offences;
- any efforts the applicant has made to rehabilitate himself or herself; and
- the sentence imposed by a court, and whether the sentence has been completed successfully.

Regulatory Issues with Professional Organizations or Self-Regulatory Bodies

DSOs must disclose whether they have ever been refused a license or registration or been disciplined by a regulatory body in any capacity, including being advised by a regulatory body that if they reapply for a license or registration, they would be subject to a suitability review.

Failure to Disclose

FICOM expects that each DSO will complete the PIR with truthful and complete information. FICOM considers it a serious matter for any DSO to provide false information by either making

false statements or failing to provide complete and truthful statements. Providing false or incomplete information to FICOM may affect an individual's suitability to be a DSO of a financial institution. DSOs are advised to read the PIR carefully, and to contact FICOM if they are uncertain about how to provide a clear response to a question or issue.

Please note that a DSO is required to submit an updated PIR when there are changes to the information in the PIR, criminal record check, or bankruptcy and insolvency check.

COLLECTION, USE, DISCLOSURE AND RETENTION POLICY

The information requested on the PIR is collected under the authority of, and used for the purpose of, administering the FIA and the CUIA, as applicable.

FICOM retains information of current DSOs until seven years after they leave their positions. FICOM's retention policy is consistent with the requirements in the *Document Disposal Act*.

OTHER INFORMATION

If there are any questions about this bulletin, please refer to [PIR – Frequently Asked Questions](#), or contact Information Management at FICOM@ficombc.ca.

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