

## Appendix P: BSA Record-Retention Requirements

*This appendix is provided as a summary listing. For comprehensive and current BSA record-retention requirements, refer to U.S. Treasury/FinCEN regulations found at 31 CFR Chapter X. These BSA record-retention requirements are independent of and in addition to record-retention requirements under other laws.*

### Five-Year Retention for Records as Specified Below

The BSA establishes recordkeeping requirements related to various types of records including: customer accounts (e.g., loan, deposit, or trust), BSA filing requirements, and records that document a bank's compliance with the BSA. In general, the BSA requires that a bank maintain most records for at least five years. These records can be maintained in many forms including original, microfilm, electronic, copy, or a reproduction. A bank is not required to keep a separate system of records for each of the BSA requirements; however, a bank must maintain all records in a way that makes them accessible in a reasonable period of time.

The records related to the transactions discussed below must be retained by a bank for five years. However, as noted below, the records related to the identity of a bank customer must be maintained for five years after the account (e.g., loan, deposit, or trust) is closed. Additionally, on a case-by-case basis (e.g., U.S. Treasury Department Order, or law enforcement investigation), a bank may be ordered or requested to maintain some of these records for longer periods.

#### Extension of Credit in Excess of \$10,000 (Not Secured by Real Property)

This record shall contain:

- Name of borrower.
- Address of borrower.
- Amount of credit extended.
- Nature or purpose of loan.
- Date of loan.

#### International Transactions in Excess of \$10,000

A record of any request made or instructions received or given regarding a transfer of currency or other monetary instruments, checks, funds, investment securities, or credit greater than \$10,000 to or from any person, account, or place outside the United States.

#### Signature Cards

A record of each grant of signature authority over each deposit account.

### Account Statements

A statement, ledger card, or other record on each deposit account showing each transaction in, or with respect to, that account.

### Checks in Excess of \$100

Each check, draft, or money order drawn on the bank or issued and payable by it that is in excess of \$100.

### Deposits in Excess of \$100

Each deposit slip or credit ticket reflecting a transaction in excess of \$100 or the equivalent record for direct deposit or other funds transfer deposit transactions. The slip or ticket must record the amount of any currency involved.

### Records to Reconstruct Demand Deposit Accounts

Records prepared or received by the bank in the ordinary course of business, which would be needed to reconstruct a transaction account and to trace a check in excess of \$100 deposited in a demand deposit account through its domestic processing system or to supply a description of a deposited check in excess of \$100.

### Certificates of Deposit Purchased or Presented

This record shall contain:

- Name of customer (purchaser or presenter).
- Address of customer.
- Taxpayer identification number (TIN) of customer.
- Description of the certificate of deposit.
- Notation of the method of payment if purchased.
- Date of transaction.

### Purchase of Monetary Instruments of \$3,000 or More

A bank must maintain a record of each bank check or draft, cashier's check, money order, or traveler's check for \$3,000 or more in currency.

If the purchaser has a deposit account with the bank, this record shall contain:

- Name of purchaser.
- Date of purchase
- Type(s) of instrument purchased.
- Amount in dollars of each of the instrument(s) purchased.
- Serial number(s) of the instrument(s) purchased.

If the purchaser does not have a deposit account with the bank, this record shall contain:

- Name of purchaser.
- Address of purchasers.
- Social security number of purchaser or alien identification number.
- Date of birth of purchaser.
- Date of purchase
- Type(s) of instrument purchased.
- Amount in dollars of each of the instrument(s) purchased.
- Serial number(s) of the instrument(s) purchased.
- Description of document or method used to verify the name and address of the purchaser (e.g., state of issuance and number driver's license).

#### Funds Transfers of \$3,000 or More

A bank's BSA recordkeeping requirements with respect to funds transfer vary based upon the role of a bank with respect to the funds transfer.

**Bank acting as an originator's bank.** For each payment order that a bank accepts as the originator's bank, the bank must obtain and retain a record of the following information:

- Name and address of originator.
- Amount of the payment order.
- Execution date of the payment order.
- Any payment instruction received from the originator with the payment order.
- Identity of the beneficiary's bank.
- As many of the following items as are received with the payment order:
  - Name and address of the beneficiary.
  - Account number of the beneficiary.
  - Any other specific identifier of the beneficiary.
- For each payment order that a bank accepts for an originator that is not an established customer of the bank, in addition to the information listed above, a bank must obtain additional information as required under 31 CFR 1020.410(a)(2).

**Bank acting as an intermediary bank or a beneficiary's bank.** For each payment order that a bank accepts as an intermediary bank, or a beneficiary's bank, the bank must retain a record of the payment order.

- For each payment order that a bank accepts for a beneficiary that is not an established customer of the bank, the bank must also obtain additional information as required under 31 CFR 1020.410(a)(3).

**Exceptions.** The BSA does not require a bank to maintain records for the following types of funds transfers: (1) funds transfers where both the originator and beneficiary are the same person and that originator's bank and the beneficiary's bank are the same bank; and (2) transfers where the originator and beneficiary are any of the following:

- A bank.
- A wholly owned domestic subsidiary of a bank chartered in the United States.
- A broker or dealer in securities.
- A wholly owned domestic subsidiary of a broker or dealer in securities.
- The United States.
- A state or local government.
- A federal, state, or local government agency or instrumentality.

### Taxpayer Identification Number

A record of the TIN of *any* customer opening an account. In cases of joint accounts, information on a person with a financial interest must be maintained. (If the person is a nonresident alien (NRA), record the passport number or a description of some other government document used to verify identity.) This information must be recorded within 30 days of the date the transaction occurs. In the event a bank is unable to secure the information, it must maintain a list containing the names, addresses, and account numbers of those members for whom it has been unable to secure the information.

**Exceptions.** A bank does not need to maintain TIN for accounts or transactions with the following:

- Agencies and instrumentalities of federal, state, local, or foreign governments.
- Judges, public officials, or clerks of courts of record as custodians of funds in controversy or under the control of the court.
- Certain aliens as specified in 31 CFR 1020.410(b)(3)(iii-vi).
- Certain tax exempt organizations and units of tax-exempt organizations (31 CFR 1020.410(b)(3)(vii)).
- A person under 18 years of age with respect to an account opened as a part of a school thrift savings program, provided the annual dividend is less than \$10.
- A person opening a Christmas club, vacation club, and similar installment savings programs, provided the annual dividend is less than \$10.
- NRAs who are not engaged in a trade or business in the United States.

### Suspicious Activity Report and Supporting Documentation

A bank must maintain a record of any SAR filed and the original or business record equivalent of any supporting documentation for a period of five years from the date of filing.

### Currency Transaction Report

A bank must maintain a record of all Currency Transaction Reports (CTR) for a period of five years from the date of filing.

### Designation of Exempt Person

A bank must maintain a record of all designation of persons exempt from CTR reporting as filed with the Treasury for a period of five years from the designation date.

### Customer Identification Program

A bank must maintain a record of all information it obtains under its procedures for implementing its CIP. At a minimum, these records must include the following:

- All identifying information about a customer (e.g., name, date of birth, address, and TIN).
- A description of the document that the bank relied upon to identify the customer.
- A description of the nondocumentary methods and results of any measures the bank took to verify the identity of the customer.
- A description of the bank's resolution of any substantive discrepancy discovered when verifying the identifying information obtained.

A bank must retain the identifying information about a customer for a period of five years after the date the account is closed, or in the case of credit card accounts, five years after the account becomes closed or dormant.

A bank must retain the information relied on, methods used to verify identity, and resolution of discrepancies for a period of five years after the record is made.

As noted, these BSA recordkeeping requirements are independent of and in addition to requirements to file and retain reports imposed by other laws. For the meaning of the BSA terms, refer to 31 CFR 1010.100.

### Comprehensive Iran Sanctions, Accountability and Divestment Act

A bank must retain a copy of any report filed with FinCEN and any supporting documentation, including the foreign bank certification or other responses to an inquiry, for a period of five years (31 CFR 1060.300).