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2002-03-31 amend. Journal of Laws 02.32.308 §1

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**REGULATION  
OF THE MINISTER OF FINANCE**

of 21 September 2001

**on determination of the sample register of transactions, the method of its maintenance  
and the mode of submitting the data from the register to the General Inspector of  
Financial Information**

(Journal of Law of 9 October 2001)

In accordance with Article 13 of the Law of 16 November 2000 on counteracting introduction of property values originating from illegal or undisclosed sources to financial transactions (Journal of Laws No. 116, item 1216 and of 2001 No. 63, item 641) it shall be instructed as follows:

**§ 1.** The regulation determines:

1) a sample register of transactions, the value of which exceeds 10.000 Euro, whether the transaction is carried out within a single operation or within several operations, in case the circumstances indicate that the operations are inter-related, and of the transactions circumstances of which indicate that the financial means involved can originate from illegal or undisclosed sources, regardless its value and type,

2) method of the register's maintenance and the mode of submitting the data from the register to the General Inspector of Financial Information, hereinafter referred to as 'General Inspector',

3) the mode of submitting the data to the General Inspector of Financial Information on the transactions referred to in point 1 with the use of electronic data carriers.

**§ 2.** 1. The register of transactions referred to in Article 8 (4) of the Law of 16 November 2000 r. on counteracting introduction of property values originating from illegal or undisclosed sources to financial transactions, hereinafter referred to as 'Law', shall be kept by the obligated institutions within the meaning of Article 2, point 1 of the Law in a paper form or by means of electronic data carriers.

2. The data shall be immediately recorded in the register of transactions referred to in paragraph 1, hereinafter referred to as the 'register', however, not later than on the day following the day the transaction was carried out.

**§ 3. 1.** The register in its paper form shall be kept as brochures consisting of subsequently numbered transaction cards, drawn up and filled in separately for each registered transaction.

2. A sample transaction card is presented in Annex no. 1 to this Regulation.

3. The transaction cards referred to in paragraph 1 shall be filled in by hand or typed in careful, permanent and durable manner and the possible mistakes shall be corrected by:

1) deleting the incorrect information and writing in the correct one, with the reservation that the incorrect information must be legible,

2) inserting the date and legible signature of a person who writes the correct information.

**§ 4. 1.** The register kept by means of electronic data carriers shall consist of records inserted separately for each transaction.

2. The register referred to in paragraph 1 shall be kept in an IT system that enables an immediate readout or printout of all or part of the data inserted.

3. <sup>(1)</sup> The structure of electronic record is specified in Annex no. 2 to this Regulation.

**§ 5. 1.** An obligated institution that keeps a register with the use of electronic data carriers should:

1) have a written, detailed manual for the software used for the maintenance of the register,

2) apply an IT system that prevents the records from being deleted or modified and guarantees the proper format of the data transmitted to the General Inspector.

2. Mistake in the register shall be corrected by means of a correcting record.

**§ 6. 1.** The data from register shall be delivered by obligated institutions, subject to paragraphs 2-5, in the form of a copy of the transaction card or in the form of a diskette of 3,5" FAT 1,4 standard or on a CD-ROM of ISO 9660 standard.

2. Data from the register can be sent by teletransmission or by electronic data carriers other than referred to in 1, following the settlements with the General Inspector regarding the organisational and technical conditions for these forms of data transmission.

3. While transmitting the data for the first time, an obligated institution shall simultaneously submit a filled out identification form.

4. Whenever a mistake has been made or the data inserted in the form referred to in paragraph 3 have been changed, an obligated institution shall send a new identification form to the General Inspector.

5. A sample identification form is presented in Annex no. 3 to this Regulation.

**§ 7. 1.** The data can be submitted in the form of a copy of a transaction card only when the information submitted refers to a single transaction.

2. If the copy referred to in paragraph 1 above has been made out of the transaction card, in which certain corrections were made according to § 3 (3) due to the mistakes discovered, an obligated institution shall deliver a copy of the transaction card to the General Inspector and an additional card referring to the same transaction and filled in with the correct data without any alterations.

3. A diskette can be used for the transmission of data only when all the data are stored on one diskette.

4. <sup>(2)</sup> When data are sent by means of teletransmission or by electronic data carriers, the structure of transmitted files should be preserved as text files or XML files, excluding the alterations made to the files as a result of coding or electronic signature use referred to in the Law of 18 September 2001 on electronic signatures (Journal of Laws No. 130, item 1450 and of 2002 No. 153, item 1271).

5. A sample text file is specified in Annex no. 4 to this Regulation.

6. A sample xml file is specified in Annex no. 5 to this Regulation.

**§ 8.** 1. A copy of a transaction card, submitted to the General Inspector shall contain a clause regarding the confirmation of the copy with the content of the original made out by one of the persons, who were appointed for the performance of the obligations specified in the Law in connection with Article 28 of the Law.

1a. <sup>(3)</sup> The data transmitted in an electronic form shall contain a protected electronic signature, within the meaning of the Law of 18 September 2001 on electronic signatures, made by the person referred to in paragraph 1 above.

2. The data on an electronic carrier shall be transmitted by the person referred to in paragraph 1 together with a description on an external label of the carrier.

3. The description referred to in paragraph 2 above shall contain:

- 1) full name of an obligated institution,
- 2) names of files and number of records they contain,
- 3) first and last names and a signature of the person referred to in paragraph 1.

**§ 9.** 1. The data in the form of copies of transaction cards or delivered by means of electronic data carriers shall be sent to the organisational unit referred to in Article 3 (4) of the Law, subject to paragraph 2, by an employee of an obligated institution.

2. The data referred to in paragraph 1 above can also be transmitted by means of:

- 1) an entrepreneur who has got a licence for performing economic activity in the scope of protection of people and property, granted on the basis of the provisions of the Law of 22 August 1997 on the protection of people and property (Journal of Laws No. 114, item 740 of 1999 No. 11, item 95, of 2000 No. 29, item 357 and of 2001 No. 4, item 23 and No. 27, item 298),

2) state owned public utility company 'The Polish Post Office',

3) entity that has got a licence for rendering postal services, granted on the basis of the provisions of the Law of 23 November 1990 on communication (Journal of Laws of 1995 No. 117, item 564, of 1996 No. 106, item 496, of 1997 No. 43, item 272, No. 88, item 554, No. 106, item 675, No. 121, item 770 and No. 137, item 926, of 1998 No. 137, item 887 and No. 150, item 984, of 1999 No. 47, item 461, of 2000 No. 62, item 718, No. 73, item 852 and No. 120, item 1268 and of 2001 No. 67, item 678).

3. In cases referred to in paragraphs 1 and 2, point 1, a person who delivers the data shall confirm the delivery in the register maintained for this purpose by an organisational unit referred to in Article 3 (4) of the Law.

4. The data transmitted by the entities referred to in paragraph 2, points 2 and 3 can be delivered exclusively by means of a registered letter on a return acknowledgement of receipt onto the address of the organisational unit referred to in paragraph 3 above. These cases require an insertion of a visible note reading: 'Do not open in the chancellery'.

**§ 10.** 1. An obligated institution that discovered the mistakes in the information submitted shall deliver the corrected data to the General Inspector within seven days counting from the date of their disclosure.

2. The data referred to in paragraph 1 are delivered by means of the same data carrier that the obligated institution used for submitting the corrected data.

3. Provisions of § 6 (2) and § 8 and 9 shall apply respectively.

**§ 11.** 1. The General Inspector can demand the data to be redelivered if he discovers that the letter has been damaged or the data from registry have been transmitted with the infringement of the procedure stipulated in the Regulation.

2. An obligated institution that receives the request referred to in paragraph 1 above from the General Inspector shall be obliged to deliver the requested data immediately to the organisational unit referred to in Article 3 (4) of the law, in compliance with the requirements specified in the regulation, however, not later than within three working days following the date it received the request.

3. In the case referred to in paragraph 2, an obligated institution shall deliver the data in a separate letter with a legible note reading 'second letter'.

4. The note referred to in paragraph 3 shall be inserted on an electronic data carrier of on a copy of a transaction card.

**§ 11a.** <sup>(4)</sup> Provisions of the Regulation shall apply, respectively, to the transmission of data carried out by the entities referred to in Article 11, paragraph 3 of the Law.

**§ 12.** <sup>(5)</sup> Provisions of the Regulation shall not apply till 30 December 2003 to banks and foreign banks divisions, in relation to which the provisions of the Resolution no. 4/98 of the Commission for Banking Supervision of 30 June 1998 on the procedure to be performed by banks in case of money-laundering for the determination of the amount and conditions for the

maintenance of cash payments register above the specified amount and the data on persons performing payments and persons in favour of whom the payments are made (Official Journal of the National Bank of Poland No. 18, item 40) shall apply.

**§ 13.** The Regulation shall enter into force 14 days after the date of its publication.

**ANNEXES**