

TAX RESIDENCY SELF-CERTIFICATION FORM FOR INDIVIDUAL ACCOUNT HOLDERS AND CONTROLLING PERSONS

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General information and instructions

This form must be completed:

- (i) either for an individual account holder (hereinafter “Account Holder”);
- (ii) or for a controlling person of a Passive Non-Financial Entity (NFE) account holder or a Professionally Managed Investment Entity resident in a non-participating jurisdiction (hereinafter “Account Holder Entity”);
- (iii) or for a sole proprietorship.

1. GENERAL BACKGROUND

The applicable regulations under the Organisation for Economic Cooperation and Development’s (hereinafter “OECD”) Automatic Exchange of Information (hereinafter “AEOI”) and Common Reporting Standard (hereinafter “CRS”), SG Kleinwort Hambros (hereinafter the “Bank”) is obliged under local laws and regulations to collect information, particularly regarding the tax residency of Account Holders and, in some cases, the tax residency of an Account Holder Entity’s controlling persons (hereinafter “Controlling Person”, see definition in the Appendix).

Definitions have been provided in the Appendix to assist you with completing this form and identifying the Controlling Person(s), and to explain certain terms specific to the AEOI.

If the Account Holder/Controlling Person is resident for tax purposes in one or more countries that have signed an agreement regarding the AEOI, the Bank will report information concerning the following to the tax authorities where the account is held (hereinafter the “relevant tax authority”):

- (i) The Account Holder/Controlling Person;
- (ii) The Account Holder’s Financial Account(s) or the Financial Account(s) to which the Controlling Person is linked and, in particular, the balance and income and proceeds.

This information will then be passed on to the tax authorities in the Account Holder’s/Controlling Person’s country/countries of residence for tax purposes.

If the Account Holder/Controlling Person is not resident in a country that has signed an agreement regarding the AEOI, no information about these individuals will be passed on to the relevant tax authority. There will therefore be no automatic exchange of information with the tax authorities in the country or countries where the Account Holder/Controlling Person is resident for tax purposes. However, information may under certain conditions be disclosed to the Account Holder’s/Controlling Person’s tax authorities in response to a request based on, in particular, a double taxation treaty. **In this respect, such information may also pertain to closed accounts.**

2. INSTRUCTIONS FOR COMPLETING THE FORM

The relevant tax authority requires the Bank to determine the status of any Account Holders and Controlling Persons in accordance with the CRS. The Bank therefore asks Account Holders/Controlling Persons to complete all sections of this form. A separate form is to be used for each person.

This form has significant legal and tax-related consequences for you and for the Bank: please complete it with the utmost care and, if needed, seek counsel from a professional tax advisor. Under no circumstances should this form, or any written or verbal explanation relating to it, be construed as tax advice. If you have any questions about this form or about the Account Holder’s/Controlling Person’s tax residency status, we recommend you contact a tax advisor or the tax authorities.

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General information and instructions

2. INSTRUCTIONS FOR COMPLETING THE FORM CONTINUED

Furthermore, please note:

- **This form is only intended to document individual Account Holders or Controlling Persons (however, it should be used for a sole trader).**
- If your tax residency, as the Account Holder/Controlling Person, cannot be clearly established by applying the AEOI provisions, please note that the Bank will be obliged to report you based on the indications of tax residence defined in the CRS. If the indications of tax residency show a connection to one or more Reportable Jurisdictions, the information about you may be passed on to each of those jurisdictions.
- Should circumstances change and make the information contained in this form incorrect, you must provide the Bank with a duly updated self-certification form within 30 days of such change in circumstances.
- If you are a US citizen or a US taxpayer or have other connections with the US, you may be a “US Person” under US Internal Revenue Service (“IRS”) regulations, and if so an IRS Form W-9 must also be submitted.

PART 1 IDENTIFICATION OF THE ACCOUNT HOLDER/CONTROLLING PERSON

The Bank reserves the right to reject this form if it contains information that contradicts details in its files.

A. Last name		
Birth name (if different)		
First name		
B. Date of birth		
C. Place of birth		
D. Country of birth		
E. Nationality(ies)		
F. Permanent residence address (do not use post office box or "care of" addresses)		
Address line 1		Number
Address line 2		
Postal code		
City		
Region/State		
Country		

PART 2 COUNTRIES/JURISDICTIONS OF RESIDENCE FOR TAX PURPOSES AND RELATED TAXPAYER IDENTIFICATION NUMBERS (TINS)

Please complete the following table stating (i) all countries/jurisdictions where you, as the Account Holder/Controlling Person, are tax resident and (ii) the Account Holder's/Controlling Person's Taxpayer Identification Number (TIN) or equivalent number for each country/jurisdiction indicated. It is mandatory to indicate all relevant countries/jurisdictions.

Each country/jurisdiction defines tax residence in accordance with its own rules. In this respect, the countries/jurisdictions concerned have provided information on the dedicated OECD Automatic Exchange Portal¹ about the rules for connecting an individual to a tax residence. For a full definition of the term "Country/jurisdiction of tax residence" and any terms used below, please refer to the Appendix.

If it is not possible to specify a TIN in the table for a given country/jurisdiction of tax residence, please indicate one of the reasons listed below in the right-hand column.

Reason A – The country/jurisdiction of tax residence specified does not issue TINs to its residents.

Reason B – The Account Holder/Controlling Person is unable to obtain a TIN or equivalent number or is in the process of being issued one (please explain why a TIN has not (yet) been obtained).

Reason C – The TIN is not required (note: only select this reason if the domestic law of the relevant country/jurisdiction does not require the TIN it issues to be collected).

Country/Jurisdiction of Tax Residence ²	TIN	If no TIN is provided, please state the reason (A, B or C).
1.		
2.		
3.		

By signing this form, you, as the Account Holder/Controlling Person identified in Part 1, certify that you are a tax resident only in the country(-ies)/jurisdiction(s) listed above.

¹ Each country's rules on determining tax residency are available on the following page: <https://www.oecd.org/tax/automatic-exchange/>

² If you, as the Account Holder/Controlling Person, are resident for tax purposes in more than three countries/jurisdictions, please use and sign a separate page. This additional page will then form an integral component of this form.

PART 3 DECLARATION AND SIGNATURE

I understand that the information supplied by me will be covered by the full provisions of the relevant tax authority's AEOI laws and regulations which set out how the Bank may use and share such information.

I acknowledge that the information contained in this form and information regarding the Financial Account(s) may be reported to the relevant tax authority and thereafter exchanged with the tax authorities of other countries/jurisdictions in which I, as the Account Holder/Controlling Person, am tax resident if that/those country(ies)/jurisdiction(s) has/have entered into agreements to exchange financial account information.

Should circumstances change and make the information contained in this form incorrect, I undertake to provide the Bank with a duly updated self-certification form within 30 days of such change in circumstances. I understand that if the information is not corrected, this may lead to reporting to the wrong country, which may have adverse tax consequences for me as the Account Holder/Controlling Person.

Moreover, in the event of a change of circumstances, I am aware that the above-mentioned relationship with the Bank may be terminated if I, as the Account Holder/Controlling Person, fail to fulfill my obligation to submit the requisite documentation enabling identification of my country(ies)/jurisdiction(s) of tax residence.

I declare and certify that all statements made in this form are correct and complete and I hereby undertake to indemnify the Bank against any damage it may incur should any information contained in this form be incorrect or false.

I am aware that any person who intentionally provides inaccurate information in a self-certification form, fails to provide an updated self-certification form in the event of a change of circumstances, or provides inaccurate information regarding a change of circumstances may be liable to penalties.

Date **DD / MM / YYYY**

Signature

PERSONAL DATA

SG Kleinwort Hambros is a data controller in respect of your personal data. The collection of information (including personal data) in this document is necessary to enable us to provide our services to you, to comply with our legal obligations and to pursue our legitimate interests. Further information on how we gather, store and process your personal data and your rights in respect of such personal data can be found in our Privacy Notice which is available on our website at: www.kleinworthambros.com/en/important-information/privacy-notice/.

It is important that you read and understand the Privacy Notice and the conditions in the Terms of Business headed "Confidentiality", "Data Protection" and "Credit Reference Agencies" which explain how SG Kleinwort Hambros will deal with your information (including your confidential information and personal data). The Terms of Business are also available on our website at: www.kleinworthambros.com/en/important-information/banking-and-investment-terms-business/.

APPENDIX

“Account Holder”

For the purposes of this form, the Account Holder is the individual who is the beneficial owner of the Financial Account.

The term “Account Holder” also includes the beneficial owner of a sole proprietorship holding the Financial Account.

A person, other than a financial institution, holding a Financial Account for the benefit of another person as an agent, a custodian, a nominee, a signatory, an investment advisor, an intermediary, or a legal guardian is not treated as the Account Holder. In these circumstances that other person is the Account Holder. With respect to a jointly held account, each joint holder is treated as an Account Holder.

“Controlling Persons”

The term “Controlling Persons” corresponds to the term “beneficial owner” as described in Recommendation 10 and the Interpretative Note of the Financial Action Task Force Recommendations (as adopted in February 2012).

For an Entity that is a legal person, the term “Controlling Persons” means the natural person(s) who exercises control over the Entity. “Control” over an Entity is generally exercised by the natural person(s) who ultimately has/have a controlling ownership interest in the Entity. A “control ownership interest” depends on the ownership structure of the legal person and is usually identified on the basis of a threshold applying a risk-based approach. Where no natural person(s) exercise(s) control through ownership interests, the Controlling Person(s) of the Entity is deemed to be the natural person(s) who exercise(s) control of the Entity through other means. Where no natural person(s) is/ are identified as exercising control of the Entity, the Controlling Person(s) of the Entity is deemed to be the natural person(s) who hold(s) the position of senior managing official.

In the case of a trust, this term means the settlor(s), the trustee(s), the protector(s), the beneficiary(-ies) or the members of a class or classes of beneficiaries and any other individual exercising ultimate effective control over the trust. The settlor(s), the trustee(s), the protector(s) (if any), and the beneficiary(ies) or class(es) of beneficiary(ies), must always be treated as Controlling Persons of a trust, regardless of whether or not any of them exercises control over the activities of the trust, unless stipulated otherwise in local guidelines. Where the settlor(s) of a trust is an Entity, the Controlling Person(s) of the settlor(s) must be identified and reported as Controlling Person(s) of the trust.

In the case of a legal arrangement other than a trust, such term “Controlling Persons” means persons in equivalent or similar positions as those that are Controlling Persons of a trust.

“Country/jurisdiction of tax residence”

In general, an individual is deemed tax resident in a country/ jurisdiction when, under the laws of said country/ jurisdiction (including tax treaties), the individual pays or should pay tax on his or her total income because of his or her domicile, residence or any other criterion of a similar nature (i.e. unlimited tax liability) and not solely on sources of income originating from the country/ jurisdiction in question.

The tax residence of an entity is defined on the basis of the domestic legislation of the jurisdiction to which it is connected. In general, an entity will be deemed resident in a jurisdiction for tax purposes when, under the legislation of said jurisdiction, it is liable to pay tax there due to its place of incorporation or organisation, the address of its registered office, its principal office or its place of effective management (i.e. unlimited tax liability). On the other hand, an entity will not necessarily be deemed resident in a jurisdiction for tax purposes merely because it has a permanent establishment in that jurisdiction.

In the case of a trust, which is a financial institution (whether resident for tax purposes within a participating jurisdiction or not), the trust will be deemed to fall under the jurisdiction of a participating jurisdiction if one or more of its trustees are resident within said participating jurisdiction, except if the trust provides all reportable information (pursuant to the CRS pertaining to reportable accounts maintained by the trust) to another participating jurisdiction as a result of the trust’s tax residency within that participating jurisdiction.

In the event of a conflict of residency between multiple jurisdictions, the double taxation treaties applicable between the jurisdictions in question should be referred to in order to determine which one takes precedence.

For further information about tax residency rules applicable within the OECD countries, please see the following link: <http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-residency/>

“Entity”

The term “Entity” means a legal person or a legal arrangement, such as a corporation, organisation, partnership, trust or foundation.

“Financial Account”

A Financial Account is an account maintained by a financial institution and includes depository accounts, custodial accounts, equity and debt interest in certain investment entities, cash value insurance contracts, and annuity contracts.

APPENDIX

“Financial Asset”

The term “Financial Asset” includes a security (for example, a share of stock in a corporation; partnership or beneficial ownership interest in a widely held or publicly traded partnership or trust; note, bond, debenture, or other evidence of indebtedness), partnership interest, commodity, swap (for example, interest rate swaps, currency swaps, basis swaps, interest rate caps, interest rate floors, commodity swaps, equity swaps, equity index swaps, and similar agreements), insurance contract or annuity contract, or any interest (including a futures or forward contract or option) in a security, partnership interest, commodity, swap, insurance contract, or annuity contract. The term “Financial Asset” does not include a non-debt, direct interest in real property.

“Managing Investment Entity”

The term “Managing Investment Entity” means any Entity which primarily conducts as a business one or more of the following activities or operations for or on behalf of a customer:

- Trading in money market instruments (cheques, bills, certificates of deposit, derivatives etc.), foreign exchange, exchange rate instruments, interest rate and index instruments, transferable securities or commodities futures trading,
- Individual or collective portfolio management, or
- Otherwise investing, administering, or managing Financial Assets or money on behalf of other persons.

An Entity is treated as primarily conducting as a business one or more of the activities described above if the Entity’s gross income attributable to the relevant activities equals or exceeds 50% of the Entity’s gross income during the shorter of: (i) the three-year period ending on 31 December of the year preceding the year in which the determination is made; or (ii) the period during which the Entity has been in existence.

“Non-Financial Entity (NFE)”

This term means any Entity that is not a Financial Institution.

“Passive Non-Financial Entity (NFE)” (“Passive NFE”)

A “Passive NFE” means any NFE that is not an Active NFE. Moreover, an Account Holder that is a Professionally Managed Investment Entity in a Non-Participating Jurisdiction, will be deemed a Passive NFE Account Holder under the CRS.

“Professionally Managed Investment Entity”

The term “Professionally Managed Investment Entity” means any Entity whose gross income is primarily attributable to investing, reinvesting or trading in Financial Assets, if the Entity is managed by another Entity that is a Depository Institution, a Custodial Institution, a Specified Insurance Company, or a Managing Investment Entity.

An Entity’s gross income will be primarily attributable to investing, reinvesting or trading in Financial Assets if the Entity’s gross income attributable to the relevant activities equals or exceeds 50% of its gross income during the shorter of: (i) the three-year period ending on 31 December of the year preceding the year in which the determination is made; or (ii) the period during which the Entity has been in existence.

An Entity is considered to be “professionally managed” if the managing Entity performs, either directly or indirectly through a service provider, any of the following activities or operations on behalf of the managed Entity:

- i. Trading in money market instruments (cheques, bills, certificates of deposit, derivatives etc.), foreign exchange, exchange rate instruments, interest rate and index instruments, transferable securities or commodities futures trading,
- ii. Individual or collective portfolio management, or
- iii. Otherwise investing, administering, or managing Financial Assets or money on behalf of other persons.

However, an Entity is not professionally managed if the managing Entity does not have discretionary authority to manage the Entity’s assets (in whole or in part). An Entity will therefore be considered to be professionally managed by an Entity where the latter has discretionary authority to manage the former’s assets (in whole or in part) even if it does not manage the Entity as such.

Accordingly, an Entity will not be deemed to be a managing Entity if it only provides administrative services, for example secretarial services, registered office or registered agent services, financial report or tax return preparation services, accounting services, or nominee shareholder services, or only carries out instructions in a non-autonomous and non-discretionary manner.

Where an Entity is managed by a mix of financial institutions, NFEs or persons (individuals), it is considered to be managed by an Entity that is a Financial Institution.

“Reportable Account”

Pursuant to the CRS (see note at the end of the Appendix), this is an account held by one or more “Reportable Person(s)” or by a Passive NFE for which one or more “Controlling Person(s)” is(are) (a) Reportable Person(s).

“Reportable Jurisdiction”

The term “Reportable Jurisdiction” means a jurisdiction: (i) with which an agreement is in place pursuant to which there is an obligation in place to provide the information specified in Section I of the CRS, and (ii) which is identified in a published list.

APPENDIX

“Reportable Jurisdiction Person”

The term “Reportable Jurisdiction Person” means an individual or Entity that is resident in a Reportable Jurisdiction under the tax laws of such jurisdiction, or an estate of a decedent that was a resident of a Reportable Jurisdiction. For this purpose, an Entity such as a partnership, limited liability partnership or similar legal arrangement that has no residence for tax purposes shall be treated as resident in the jurisdiction in which its place of effective management is situated.

“Reportable Person”

Under the CRS a “Reportable Person” is defined as a “Reportable Jurisdiction Person”, other than:

- i. A Corporation with stock that is regularly traded on one or more established securities markets;
- ii. A Corporation that is a Related Entity of a corporation described in clause (i);
- iii. A Government Entity
- iv. An International Organisation;
- v. A Central Bank; or
- vi. A Financial Institution (except for an Investment Entity, as described in Sub Paragraph A(6) b) of Section VIII of the CRS, that is not a Participating Jurisdiction Financial Institution, which is treated as a Passive NFE).

“TIN”

“TIN” stands for Taxpayer Identification Number or may refer to a “functional equivalent” in the absence of a TIN. A TIN is a unique combination of letters and/or numbers assigned by a jurisdiction to an individual or an Entity and used to identify the individual or Entity for the purposes of administering the tax laws of such jurisdiction. Further details of acceptable TINs can be found on the OECD Automatic Exchange Portal (<http://www.oecd.org/tax/automatic-exchange/crs-implementation-and-assistance/tax-identification-numbers/>).

Some jurisdictions do not issue a TIN. However, these jurisdictions often use some other high-integrity number with an equivalent level of identification (a “functional equivalent”). Examples of that type of number include, for individuals, a social security/insurance number, citizen/personal identification/service code/number, and resident registration number.

Note: Further information can be found in the OECD Common Reporting Standard for Automatic Exchange of Financial Account Information (the “CRS”), the associated Commentary to the CRS and domestic guidance. These documents can be viewed (in English and French) respectively on the OECD site in the Exchange of Information section (<http://www.oecd.org/tax/exchange-of-tax-information/>). If you have any questions, please contact a tax advisor or your domestic tax authorities.

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