

FATCA stands for the Foreign Account Tax Compliance Act. It is a new piece of legislation to help counter tax evasion in the US.

Introduced by the United States Department of Treasury (Treasury) and the United States Internal Revenue Service (U.S. IRS), the purpose of FATCA is to encourage better tax compliance by preventing US persons from using banks and other financial organisations to avoid US taxation on their income and assets.

FATCA compliance for accounts held by individuals came into effect on 1 July 2014 and for accounts held by non-individuals, compliance was necessary with effect from 1 January 2015.

Singapore has entered into a Model 1 Inter-Governmental Agreement (IGA) relating to FATCA compliance with the United States government. The IGA has also resulted in the FATCA legislation becoming part of local laws since 9 December 2014.

## 2. What is the impact of FATCA?

On an annual basis, banks and other financial institutions will be required to report information on financial accounts held directly or indirectly by US and other reportable persons. The reporting will be made to local tax authorities (such as the Inland Revenue Authority of Singapore, IRAS) in countries that have entered into a Model 1 IGA. The local tax authorities may then transmit such information to the U.S. IRS. In Model 2 IGA and non-IGA countries, reporting will be conducted by the banks and/or financial institutions to the U.S. IRS directly.

## 3. What constitutes a “US Person” for FATCA?

The term ‘US person’ includes the following (but is not limited to):

- a citizen of the US, including an individual born in the US but a resident in another country (who has not given up their US citizenship)
- a citizen of both the US and another country, regardless of where the person resides or which country is considered his or her primary citizenship
- a person residing in the US, including US green card holders
- certain persons who spend a significant number of days in the US each year
- Entities incorporated, established, constituted or organized in the US

## 4. How do I know if I am affected?

FATCA affects both Individual and Non-Individual (Entity) customers who are specified US persons for US tax purposes. FATCA also affects certain businesses with direct or indirect US owners although the businesses could be non-US businesses.

## 5. Am I only affected if I am a citizen of the US?

No. If an individual's account holds any of the following seven criteria, UOB may request further information or documentation to determine if you are a US person under FATCA.

- US citizenship or US residence.
- US place of birth.
- US address including US PO boxes.
- US telephone number.
- Standing instructions to transfer funds to an account (in the name of customers and/or others) maintained in the US
- Current power of attorney or signatory authority granted to a person with a US address.
- In care of or hold mail address which is the sole address for the account holder.

## **6. What does FATCA mean for me if I am a US person?**

If you are considered a specified US person, you may be asked to supply UOB with additional information or documentation. You may also wish to visit the U.S. IRS website to determine if you need to complete and submit any U.S. IRS forms.

If you are a specified US person, UOB will be required to report information about you and your account to the IRAS on an annual basis. IRAS will then share this information with the US tax authorities.

While we will correspond with affected customers in due course, UOB cannot offer any advice relating to FATCA and we recommend that you consult a professional tax advisor to discuss your personal tax situation.

## **7. What does FATCA mean for me if I am not a US person?**

UOB may still contact you for confirmation of your FATCA status.

## **8. Does FATCA replace existing US tax rules that I already follow?**

FATCA does not replace the existing US tax regulation, it may however add additional requirements and complexity to the existing US tax rules you may already follow. We recommend you consult a professional tax advisor to discuss your tax situation.

## **9. What happens if a joint account is held by a US person and a non-US person?**

A joint account which has one US owner is treated as a US account and therefore the entire account is subject to the FATCA legislation.

## **10. Am I only affected if I am a US company?**

No. The impacts of FATCA are wider than just US companies. UOB will be reaching out to our Non-Individual (Entity) customers globally to determine their FATCA status. The aim of this exercise is to identify customers who are reportable under FATCA.

## **11. What do I need to do as a Non-Individual (Entity) customer?**

In order to establish your tax status under FATCA, we may need you to provide additional information or documentation. This documentation could be an UOB declaration or a US tax form from the U.S. IRS. We will be communicating with affected customers that need to complete these forms, detailing when the forms need to be completed by.

## **12. How will incoming funds from US into a business account affect FATCA reporting?**

FATCA entity classification of a customer will be based on the customer's declaration of his or her FATCA status to the Bank, as well as any additional information or documentation required to substantiate the status. In case of uncertainty of your FATCA status, please consult professional tax advice.

## **13. What do I need to do if I am affected by FATCA?**

We will continue to review the impact of the legislation on our customers and will correspond with affected customers in due course. For more information regarding FATCA, please visit the U.S. IRS website, or consult your professional tax advisor for advice.

Please note that you may receive more than one request for documentation if you have multiple relationships with different members of the UOB Group. It is important that you respond to all requests, even if you believe you have already supplied the requested information.

Please note that UOB is unable to offer tax advice. For tax related questions please contact your professional tax advisor or refer to the U.S. IRS website.

#### **14. How frequently will I have to provide information for FATCA purposes?**

FATCA is an ongoing process. If there is any change in your account information or FATCA status, please notify the Bank within 30 days. We may be required to contact you to obtain additional information or documentation so that we are able to update your account classification under FATCA.

#### **15. What information will UOB report to the IRAS?**

The information reported to the IRAS will depend on the FATCA classification of the customer. This information will typically include (names, addresses, US taxpayer identification numbers, and of a financial nature (for example, account number, account balance, amounts paid into the account)).

#### **16. Is UOB the only bank to be affected by FATCA?**

No. All banks and other financial organizations are affected by FATCA.

#### **17. What does UOB have to do to comply with FATCA?**

To comply with FATCA, UOB will amongst others:-

- Conduct a review of new and existing customers to establish a FATCA status for all customers and where necessary, we may contact our customers for further information and documentation for confirmation of their FATCA statuses
- Require classification of Non-Individual (Entity) customers according to the FATCA legislation (For example, foreign financial institutions or non-financial foreign entities)
- Report information to IRAS on all accounts held directly or indirectly by US and other reportable persons.
- Report to IRAS on customers who do not provide the required documentation to us for FATCA.

#### **18. Why has my other bank asked for different documentation than UOB?**

The way in which banks and financial organisations collect information from their customers in order to confirm their tax status under FATCA may vary. This may mean that in some instances you are asked for different documentation from UOB than from another bank.

UOB cannot offer advice on your FATCA tax status or classification. If you need further support you should visit the U.S. IRS website (<http://www.irs.gov>) or consult a professional tax advisor.

#### **19. What type of information and/or documents am I expected to provide to UOB?**

We will be communicating with affected customers to provide full details of the information and documentation UOB needs for FATCA purposes. Documents may include US tax forms (also referred to as withholding certificates or W forms) or self-declarations of FATCA status.

#### **20. Will UOB provide all the forms I need to complete?**

Yes. UOB will send you the forms for your completion and return. You will need to determine which forms are applicable to your particular situation.

#### **21. When do I have to provide the requested information and/or documentation for FATCA?**

In general, customers should supply the requested documentation and information by the date contained within the letter from UOB

#### **22. What will UOB do if I do not provide the information required under FATCA?**

UOB is committed to being fully FATCA compliant in all countries where we operate.

The UOB Group may not open new accounts or offer additional products and services to customers who choose not to comply with UOB's requests for documentation to establish a customer's status under FATCA.

UOB may need to report information about customers who do not provide the required documentation to us.

### **23. Where can further information regarding FATCA be found?**

For further information regarding FATCA, please refer to the following: -

- The Association of Banks in Singapore ([www.abs.org.sg/](http://www.abs.org.sg/))
- Inland Revenue Authority of Singapore ([www.iras.gov.sg/](http://www.iras.gov.sg/))
- The U.S. Internal Revenue Service ([www.irs.gov/](http://www.irs.gov/))

### **FAQs on Sole Proprietorship**

#### **24. Is FATCA applicable to sole proprietorships?**

Yes. FATCA legislation will impact sole proprietorship customers who have an account or accounts with the Bank.

#### **25. What FATCA regulations apply if the sole proprietorship is owned by an individual?**

If the owner of the sole proprietorship is an individual, the FATCA rules and regulations that are applicable are those that apply to individuals.

#### **26. What FATCA regulations apply if the sole proprietorship is owned by a corporate entity?**

If the sole proprietorship is owned by a corporate entity, the FATCA rules and regulations that are applicable to non-individual customers will apply.

#### **27. Whose information should be provided when returning a FATCA Self Certificate for a sole proprietorship account?**

- If the owner of the sole proprietorship is an individual, then the information relating to the individual that owns the sole proprietorship must be provided in the FATCA Self Certificate for Individuals.
- If the owner of the sole proprietorship is an entity, then the information relating to the entity that owns the sole proprietorship must be provided in the FATCA Self Certificate for Entities.

### **FAQs on SRS Remediation**

#### **28. Why would I need to complete the FATCA forms if I have closed my SRS & other accounts between 01 July to 31 Dec 2014?**

The Bank is required by the Inland Revenue Authority of Singapore to report on all accounts with the Bank as at 31 December 2014. All reportable accounts closed after 1 July 2014 are not exempted from reporting.

#### **29. Will I still be reportable if my SRS account is closed on / before 30 June 2014?**

Accounts that are closed before 30 June 2014 do not need to be reported.

#### **30. What is the minimum amount which UOB will report to IRAS?**

There is no minimum amount that will be reported. If the account belongs to a U.S. Person or if the relevant FATCA form and supporting documents are not submitted, it will be reported to IRAS.

#### **31. Will an account holder who is deceased be reportable to IRAS?**

No. Accounts of deceased persons are not included in the reporting to IRAS, provided the Bank has received notification by way of a Death Certificate.

#### **32. I was a Non US person and became a US person, can I still continue to hold a SRS account?**

There is no regulatory requirement to exit relationships with US persons.

### **FAQs on PIB Remediation**

#### **33. Why would I need to complete the FATCA forms if I have closed my PIB & other accounts?**

The Bank is required by the Inland Revenue Authority of Singapore to report on all accounts with the Bank as at 31 December 2014. All reportable accounts closed after 1 July 2014 still must be reported.

#### **34. What is the minimum amount which UOB will report to IRAS?**

All reportable accounts must be reported regardless of value in the accounts.

**35. Would my information be reported to IRAS / IRS even though I have submitted my FATCA form to the bank indicating I am not a US person?**

Once the Bank receives your completed FATCA Form (in good order) and you are not a US person, the Bank will not be required to report your account information to the IRAS with effect from 2017.

**36. Why am I notified of FATCA now when my PIB accounts were already opened in year 2015?**

The Bank has launched an initiative on 29 January 2016 to integrate FATCA documentation collection into the online account opening process to enhance our customers' internet banking experience. For accounts opened prior to 29 January 2016, the Bank is obliged to manually obtain your FATCA status as this feature was not previously available.

**37. Why should I complete the self-certificate when I am not a U.S. person?**

Even if you are not a US person, the Bank is still obliged under FATCA to collect your declaration as a Non-US Person.

**38. I recalled I have updated my FATCA status at UOB XX branch when I opened an account recently. Do I have to declare my FATCA status again?**

Although you may have updated your US/ Non- US status recently, the Bank remains obliged to obtain and verify your aforementioned status for the accounts mentioned in the letter you have recently received.