



# **GUIDANCE ON ASSESSING NAME MATCHES FOR THE IMPLEMENTATION OF TARGETED FINANCIAL SANCTIONS**

## **1. Introduction**

This document is intended to assist Financial Institutions, Listed Businesses, Non-Profit Organizations and members of the public in understanding how to determine whether an individual or entity is a “listed entity” pursuant to section 22B of the Anti-Terrorism Act, Chap. 12:07 (ATA) and is subjected to Targeted Financial Sanctions (TFS) and orders granted pursuant to the Economic Sanctions Act, Chap 81:05.

## **2. What is a listed entity?**

As a Member of the United Nations, Trinidad and Tobago is bound by the decisions of the United Nations Security Council (UNSC). These decisions are set out in United Nations Security Council Resolutions (UNSCRs) and include measures to protect global peace and security. Several UNSCRs are aimed at protecting against the threats of terrorism, terrorist financing and the proliferation of weapons of mass destruction and require countries to take specified measures against individuals and entities:

- Designated by the UNSC or a specified subsidiary body; or
- Designated by the country based on criteria determined by the UNSC in the mandates of various UNSCRs.

Such an individual and/or entity is referred to as a “listed entity”.

## **3. What are the laws that provide for the designation of individuals and entities, that is listed entities?**

The specified measures referred to above must be taken in accordance with the laws of the country. In Trinidad and Tobago listed entities are identified in accordance with:

- The Anti-Terrorism Act, Chap. 12:07; and
- The Economic Sanctions (Implementation of United Nations Resolutions on the Democratic People’s Republic of Korea) Order, 2018<sup>1</sup>, (“the DPRK Order”).

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<sup>1</sup> Legal Notice No.184 of 2018

Specific guidance on the regimes created by the ATA and DPRK Order respectively can be found at [ATU – Guidance Documents – Office of The Attorney General and Ministry of Legal Affairs \(https://agla.gov.tt/anti-terrorism-unit/atu-guidance-public-notice/atu-guidance-documents/\)](https://agla.gov.tt/anti-terrorism-unit/atu-guidance-public-notice/atu-guidance-documents/)

#### **4. Where can I find information on listed entities?**

The ATA and DPRK Order require the Financial Intelligence Unit of Trinidad and Tobago (FIUTT) and the Office of the Attorney General and Ministry of Legal Affairs (AGLA) to maintain and publish the respective lists of listed entities (“sanctions list”) containing as much identifier information as is available. These lists can be found at the following links:

- [Notices and High Court Orders – Financial Intelligence Unit \(https://fiu.gov.tt/about-us/publications/notices-and-high-court-orders-for-freezing-terrorist-funds/\)](https://fiu.gov.tt/about-us/publications/notices-and-high-court-orders-for-freezing-terrorist-funds/)
- [TFS Search Tool \(https://fiu.gov.tt/tfs-search-tool/tfs-guidance-notes/\)](https://fiu.gov.tt/tfs-search-tool/tfs-guidance-notes/)
- [UN Security Council Economic Sanctions \(UNSCR 1718 and 2231\) – Financial Intelligence Unit \(https://fiu.gov.tt/about-us/publications/united-nations-security-council-committee/united-nations-security-council-committee-economic-sanctions-1718-and-2231/\)](https://fiu.gov.tt/about-us/publications/united-nations-security-council-committee/united-nations-security-council-committee-economic-sanctions-1718-and-2231/)
- [ATU – Proliferation Financing of Weapons of Mass Destruction – Office of The Attorney General and Ministry of Legal Affairs \(https://agla.gov.tt/anti-terrorism-unit/atu-proliferation-financing-of-weapons-of-mass-destruction/atu-proliferation-financing-of-weapons-of-mass-destruction/\)](https://agla.gov.tt/anti-terrorism-unit/atu-proliferation-financing-of-weapons-of-mass-destruction/atu-proliferation-financing-of-weapons-of-mass-destruction/)

The FIUTT’s Targeted Financial Sanctions Search Tool (TFS Search Tool) is accessible via the FIUTT’s website. The Targeted Financial Sanctions Search Tool (TFS Search Tool) provides Reporting Entities and members of the public with an online tool to conduct searches of the known names and aliases of individuals and entities listed by various UNSCRs and by the High Court of Trinidad and Tobago as listed entities. the TFS Search Tool provides access to the following lists

- ✓ Trinidad and Tobago Consolidated List of High Court Orders;
- ✓ United Nations Security Council Resolution 1267/1989/2253 Sanctions List (the ISIL (Da'esh) & Al-Qaida Sanctions List);
- ✓ United Nations 1988 Sanctions Committee List (the Taliban Sanctions List);
- ✓ United Nations Security Council Resolutions 2231 (2015) relative to Iran, United Nations Security Council Resolution 1540 (2004) and its successor resolution (the Iran Sanctions List);
- ✓ United Nations Security Council Committee pursuant to resolution 1718 (2006) (the DPRK Sanctions List); and
- ✓ United Nations Security Council Committee established pursuant to resolution 2653 (2022) concerning Haiti (the Haiti Sanctions List).

## **5. How do I determine whether there is a name match in respect of a listed entity?**

### **5.1 If you are dealing with a transaction:**

**Step 1.** Compare the name in your transaction<sup>2</sup> with the name on the sanctions list. Is the name in your transaction an individual while the name on the sanctions list is a vessel, organization or company (or vice-versa)?

- If yes, you do not have a valid match.\*
- If no, please continue to step 2 below.

**Step 2.** How much of the listed entity's name is matching against the name in your transaction? Is just one of two or more names matching (e.g., just the last name)?

- If just one name is matching, you do not have a valid match.\*
- If more than one name matches, please continue to step 3 below.

**Step 3.** Compare the complete sanctions list entry with all of the information you have on the matching name in your transaction. An entry will often have, for example, a full name, address, nationality, passport, identification number, or driver's permit number, place of birth, date of birth, former names, aliases and /or any other relevant information. Are you missing a lot of this information for the name in your transaction?

- If yes, go back and get more information and then compare your complete information against the entry.
- If no, please continue to step 4 below.

**Step 4.** Are there a number of similarities or exact matches?

- If yes:
  - You should immediately inform the FIUTT by:
    - completing a suspicious activity report<sup>3</sup> if a listed entity attempts to enter into a transaction or continue a business relationship. The suspicious activity report form is available via the following link: <https://fiu.gov.tt/wp-content/uploads/Trinidad-and-Tobago-Suspicious-Activity-Report-Form-October-02-2019.pdf> . The FIUTT's Guidance Note on STR/SAR Reporting Standards can be accessed via <https://fiu.gov.tt/wp-content/uploads/Guidance-Note-on-STR-SAR-Reporting-Standard-October-02-2019.pdf>;
    - completing an economic sanctions report, if your suspicion is based on a match under the Economic Sanctions Regime. The Economic Sanctions Reporting

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<sup>2</sup> For NPOs, transactions include both receiving donations from donors and the NPO disbursing funds or other resources to grantees.

<sup>3</sup> Section 22AB(d) of the ATA; and Clause 9(1)(b) and 9(2) of the DPRK Order respectively require Financial Institutions and Listed Businesses to take this step.

Form is available via the following link: <https://fiu.gov.tt/wp-content/uploads/ESR-Form.pdf>;

- you should not proceed with the transaction<sup>4</sup> and document all steps taken in relation to the listed entity for record keeping purposes.

## **5.2 If you are dealing with an account:**

**Step 1.** Compare the name of your customer<sup>5</sup> with the name on the sanctions list. Is the name of your customer an individual while the name on the sanctions list is a vessel, organization or company (or vice-versa)?

- If yes, you do not have a valid match.\*
- If no, please continue to step 2 below.

**Step 2.** How much of the listed entity's name is matching against the name of your account holder? Is just one of two or more names matching (i.e., just the last name)?

- If just one name is matching, you do not have a valid match. \*
- If more than one name matches, please continue to step 3 below.

**Step 3.** Compare the complete sanctions list entry with all of the information you have on the matching name in your transaction. An entry often will have, for example, a full name, address, nationality, passport, identification number, or driver's permit number, place of birth, date of birth, former names and/or aliases. Are you missing a lot of this information for the name of your account holder?

- If yes, go back and get more information and then compare your complete information against the entry.
- If no, please continue to step 4 below.

**Step 4.** Are there a number of similarities or exact matches?

- If yes:
  - You should immediately and without delay:
    - Inform the FIUTT verbally or via telephone that you are holding funds belonging to a listed entity; and

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<sup>4</sup> Section 22AB(d) of the ATA; Clause 9(2) of the Iran Order; and Clause 9(2) of the DPRK Order respectively prohibit Financial Institutions and Listed Businesses from proceeding with these transactions.

<sup>5</sup> For NPOs, "customer" here refers to its own key employee, grantee, donor or any key employee, member of the governing body, or other senior management of its grantee or donor as appropriate.

- Complete and submit to the FIUTT, electronically or in hard copy, the Terrorist Funds Report ([https://fiu.gov.tt/wp-content/uploads/02\\_Sept\\_2021\\_Terrorist-Funds-Report.pdf](https://fiu.gov.tt/wp-content/uploads/02_Sept_2021_Terrorist-Funds-Report.pdf)).
- If a listed entity attempts to enter into a transaction or continue the business relationship, you should:
  - Not enter into or continue the business transaction or the business relationship; and
  - complete a suspicious activity report<sup>6</sup>. The suspicious activity report form is available via the following link: <https://fiu.gov.tt/wp-content/uploads/Trinidad-and-Tobago-Suspicious-Activity-Report-Form-October-02-2019.pdf> ;
- If no, you do not have a valid match.\*
- Please note that documentation of any action that you have taken in relation to the listed entity should be recorded.

Further information on the various types of reports to be made to the FIUTT can be accessed on the FIUTT's website via the following link:

- <https://fiu.gov.tt/reporting/report-types/>

Additionally, guidance notes published by the FIUTT in relation to TFS can be accessed via the following link:

- <https://fiu.gov.tt/tfs-search-tool/tfs-guidance-notes/>

## 6. "Low quality" aliases (AKAs)?

Financial institutions, Listed Businesses, Non-Profit Organizations and members of the public must make screening decisions based on their particular circumstances and compliance approach.

Sanctions lists will include as much identifier information as is available at the time of designation and entries are updated as further information becomes available. This may include multiple aliases or "AKAs." A "low-quality AKA" is a term for a relatively broad or generic alias that may potentially generate a large volume of false hits if relied on in isolation from other information. These AKAs are included in designations based on available information and may include, for example, names by which the listed entities refer to themselves or are referred to by third parties. As a result, these AKAs may be useful for identification purposes in confirming a possible "hit" or "match" triggered by other identifier information.

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<sup>6</sup> Section 22AB(d) of the ATA; and Clause 9(1)(b) and 9(2) of the DPRK Order respectively require Financial Institutions and Listed Businesses to take this step.

## **7. What is a False Positive?**

An individual or entity with the same or similar name as a listed entity, who is inadvertently affected by the implementation of TFS is referred to as a “false positive”.

To assist with your understanding of how to identify whether an individual or entity falls within the category of a false positive, further consideration can be given to whether the potential match to a listed person or entity is (i) either due to the common nature of the name or (ii) due to ambiguous identifying data, which upon your further examination and analysis proves not to be a correct match.

### **7.1 What action can be taken in the case of a false positive?**

Your identification of a false positive may fall within the category of a person who is likely to be affected by an order made under section 22B of the ATA and an order made pursuant to the DPRK Order. Such persons may, within sixty (60) days after the publication of the order, apply to a Judge for a review of the order.

Additionally, Financial Institutions and Listed Businesses are required to keep a record of all false positives which will be inspected by the Supervisory Authority in conducting their AML/CFT/CPF compliance examinations.

## **8. Where can I get more information?**

For further information, please contact the Anti-Terrorism Unit, Office of the Attorney General and Ministry of Legal Affairs via the following contact information:

The Anti-Terrorism Unit,  
Office of the Attorney General and Ministry of Legal Affairs,  
Level 20 AGLA Tower,  
Cor. London & Richmond Streets,  
Port of Spain  
Tel: (868) 223-AGLA (2452) ext. 3772/3794  
Fax: (868) 226-5145  
E-mail: [antiterrorismunit@ag.gov.tt](mailto:antiterrorismunit@ag.gov.tt)

### **NOTICE**

This document has been prepared for information purposes only and does not relieve you of any obligation under the laws of Trinidad and Tobago. Members of the public should familiarize themselves with the Anti-Terrorism Act, the Economic Sanctions Act, the DPRK Order and all other relevant laws. This document is not intended as and does not constitute legal advice. Each case is unique and members of the public should seek the advice of a qualified attorney-at-law with respect to their particular case.

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\* If you still have reason to know or believe that processing this transaction or operating this account would violate any provision of the ATA or DPRK Order, you should contact the FIUTT and explain this knowledge or belief. <https://fiu.gov.tt/about-us/contact-us/>