



NCA

National Crime Agency

Introduction to Suspicious Activity Reports (SARs)

This is a United Kingdom Financial Intelligence Unit (UKFIU) Guidance Note. It is produced in line with the National Crime Agency (NCA) commitment to share perspectives on the Suspicious Activity Reports (SARs) regime.

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Overview

This document seeks to provide an introduction to the Suspicious Activity Reports (SARs) regime. More in depth advice and guidance on the submitting of SARs can be found from the UKFIU section of the National Crime Agency (NCA) website – www.nationalcrimeagency.gov.uk. See also the UKFIU Guidance Note 'Submitting A SAR Within The Regulated Sector'.

What is a SAR?

A SAR is a Suspicious Activity Report, a piece of information which alerts law enforcement that certain client/customer activity is in some way suspicious and might indicate money laundering or terrorist financing.

Reason for suspicion

Submitting a SAR provides law enforcement with valuable information on potential criminality. It also protects you, your organisation and UK financial institutions from the risk of laundering the proceeds of crime.

By submitting a SAR to the NCA, you will be complying with any potential obligations you have under the Proceeds of Crime Act 2002 (POCA).

When do I submit a SAR?

As soon as you '**know**' or '**suspect**' that a person is engaged in money laundering or dealing in criminal property, you must submit a SAR.

Do I have to submit a SAR if I am not in the regulated sector?

Even if you are not in the regulated sector, you may have an obligation to submit a SAR. You may commit an offence if:

- you have '**knowledge**' or '**suspicion**' of money laundering activity or criminal property
- do something to assist another in dealing with it
- and fail to make a SAR.

Submitting a SAR provides a defence against committing a money laundering offence.

Is the information contained in the SAR I submit held securely?

All users of SARs adhere to specific guidelines to protect the confidentiality of SARs. Once a SAR is received by the NCA, it is held on a secure database. This database has strictly limited access to appropriate law enforcement and government agency staff. **THE INFORMATION IS ALWAYS HELD IN THE STRICTEST**

CONFIDENCE. If, in the unlikely event you are made aware that any confidentiality may have been breached, you should contact the NCA immediately. This should be done on Freephone 0800 234 6657.

May I inform a client/customer that I have made a report?

You must not say anything to your client/customer which leads to an investigation being prejudiced. Once you have submitted your SAR you should remember your obligations not to make any disclosures which might constitute an offence of tipping off. This comes under section 333A of POCA or section 21D of the Terrorism Act (TACT) 2000. The NCA does not provide or approve standard wording for you to use in such circumstances. It is therefore recommended that you give careful consideration to how you will handle your relationship with the subject once you have submitted the SAR. This is particularly if the subject is a client or customer of your business. You may wish to discuss with your supervisor or professional body if you are unsure.

What is obtaining a defence against money laundering or terrorist property in relation to SARs?

Persons and businesses generally, and not just those in the regulated sectors, may avail themselves of a defence against a principal money laundering or terrorist financing offences for a specified future activity that they believe may involve the proceeds of crime.

The NCA can provide a reporter with a defence to those offences, and the relevant power is contained in s335 of POCA (seeking 'appropriate consent') and s21ZA of TACT (seeking 'prior consent').

A reporter can submit a SAR, setting out their suspicion about the activity or the individual, the actual activity for which they seek a defence and details of the proceeds of crime. The legislation gives the NCA seven working days to respond to the reporter, and if the decision is to provide a defence, then the reporter will receive an email with a letter informing them of the decision.

Where the NCA decides to refuse the reporter a defence, the activity must not proceed for a further 31 calendar days; or, if earlier, until further notified by the NCA. When the NCA has made a decision to refuse, the reporter will be telephoned with the decision and receive an email with a letter informing them of the decision.

Further information is available in a separate document published on the NCA website (www.nationalcrimeagency.gov.uk) entitled 'Requesting a Defence Under POCA or TACT'; this provides information on the process to be followed and what to expect if you wish to apply to the NCA for a defence.

Who do I send SARs to?

To: The National Crime Agency (NCA)
How: Through the SAR Online system.

The NCA's electronic SAR Online system will allow your business to submit SARs in a secure and efficient manner and to receive a prompt acknowledgement. The SAR Online system is accessible through a link on the NCA website (www.nationalcrimeagency.gov.uk) or directly at <https://www.ukciu.gov.uk/saronline.aspx>

How do I register with SAR Online?

You will require a unique email address in order to register for this service, and you can register by internet at the above address. You will be supplied with a password by email. When your account has been activated, you will be able to login, complete and submit SARs.

Enquiries and support

Further help or guidance is available at www.nationalcrimeagency.gov.uk. The NCA's dedicated support team provides a helpdesk facility to address problems encountered with any aspect of SAR Online. The support team is available from 9am to 5pm Monday to Friday (excluding Bank Holidays). Please telephone 020 7238 8282 and select option '3' from the menu.

Further details on the UK's legislation and money laundering regulations are available from your regulator or the websites of Her Majesty's Treasury or the Home Office. Hard copy SARs can still be posted to: UKFIU, PO Box 8000, London SE11 5EN. *Please Note*: No acknowledgement will be sent out by the NCA for SARs submitted in hard copy.

We need your help

UKFIU Guidance Notes are the way in which the NCA provides information regarding SARs to the regulated sector. In order to assist the UKFIU in improving this service we welcome any comments, especially with regard to the following questions:

- Was this document useful to you or not, and why?
- As a result of reading this document are you more likely to submit a SAR in the future?

If you are not currently registered with SAR Online, are you now likely to register? Please email the UKFIU at ukfiufeedback@nca.gov.uk quoting the code "FF327FF". This code can also be quoted in any SARs that are subsequently submitted to the NCA as a result of reading this document.

Disclaimer

Whilst every effort is made to ensure the accuracy of any information or other material contained in this document, it is provided on the basis that the NCA and its staff, either individually or collectively, accept no responsibility for any loss, damage, cost or expense of whatever kind arising directly or indirectly from or in connection with the use by any person whomsoever, of any information or other material contained therein. Any use of the information or other material contained in this document by you signifies agreement by you to these conditions.

Protecting the public – providing information back to the NCA

Section 7(1) of the Crime and Courts Act 2013 allows you to disclose information to the NCA, provided the disclosure is made for the purposes of discharging any of the NCA's functions which include combating serious, organised and other kinds of crime. The disclosure of such information to the NCA will not breach any obligation of confidence you may owe to a third party or any other restrictions (however imposed) on the disclosure of this information. The disclosure of personal information about a living individual by you to the NCA must still comply with the provisions of the Data Protection Act 2018 (DPA). However, you may be satisfied that the disclosure by you of such personal information to the NCA in order to assist the NCA in carrying out its functions may be permitted by Schedule 2, Part 1, S.3(3) or S.5(3) of the DPA. Any Section 7(1) information should be submitted to ukfiusars@nca.gov.uk