

MEMORANDUM

re:

Common Reporting Standard (“CRS”)

(last updated January 2024)

1. Background

The CRS is an international tax transparency regime that creates the Automatic Exchange of Information (“AEOI”) between tax authorities of participating jurisdictions (which includes the UK). Under these rules banks and **Financial Institutions** (see section 2 below) are required to collect and report data regarding **Reportable Account Holders** (see section 3 below) to HMRC on an annual basis. The first reporting period was 31 December 2016 and the reporting deadline was 31 May 2017. For more information, please see the link below to HMRC’s guidance:

<https://www.gov.uk/hmrc-internal-manuals/international-exchange-of-information/ieim400080>

This Memorandum explains when charities will be regarded as Financial Institutions (and thus subject to the CRS) and what they must do to comply.

2. When will a charity be considered to be a Financial Institution?

2.1 A charity will be considered to be a Financial Institution for the purposes of the CRS where it comes within the definition of an **Investment Entity**. A charity will be an Investment Entity if it meets two tests:-

1. in any of the preceding three years 50% or more of its income has derived from **Financial Assets** (see paragraph 2.3 below); and
2. any of those Financial Assets are under discretionary management by a Financial Institution – ie a professional service provider that has discretionary authority to manage the charity’s Financial Assets in whole or in part.

2.2 For more information on what constitutes an Investment Entity/Financial Institution, please see the link below to the HMRC guidance:

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<https://www.gov.uk/hmrc-internal-manuals/international-exchange-of-information/ieim404720>

2.3 Financial Assets include securities (stocks, shares, bonds and debentures), commodities, swaps, insurance or annuity contracts and interests in partnerships.

2.4 Financial Assets do not include income from investment property held directly by a charity or bank deposit interest.

3. What is a Reportable Account Holder and what are the consequences for charities?

3.1 A Reportable Account Holder is (a) any individual or entity who/which holds a **Debt Interest** (see section 4 below) or an **Equity Interest** (see section 5 below) in an organisation AND (b) who/which is tax resident outside the UK in an AEOI participating jurisdiction.

3.2 Charities that fall under the definition of Financial Institution will be required to undertake a due diligence exercise on those who have a Debt Interest or Equity Interest in the charity to establish their tax residency status and whether or not they are Reportable Account Holders.

3.3 Charities will need to report to HMRC on an annual basis details of all Reportable Account Holders during the relevant Reporting Period. The Reporting Period is 1 January to 31 December (irrespective a charity's accounting year end). The reporting deadline is 31 May for the previous calendar year to 31 December.

3.4 If after having undertaken a due diligence exercise, a charity does not have any Reportable Account Holders then no further action needs to be taken. "Nil returns" do not have to be reported to HMRC.

4. What is a Debt Interest in a charity?

4.1 Debt Interests include all loans made to a charity and other forms of indebtedness, including formal and informal arrangements, whether or not any interest is attached to the debt.

4.2 Debts owed by a charity to trade creditors that do not relate to the lending of money are not included.

4.3 Debt Interests will also include a programme-related investments or social investments in the form of a loan.

5. What is an Equity Interest in a charity?

5.1 For Equity Interests, different rules apply depending on how a charity is constituted.

Equity Interests in charitable trusts and unincorporated associations

5.2 For charitable trusts and unincorporated associations, grant recipients will be considered to have an Equity Interest in the grantor charity. They will, therefore, be Reportable Account Holders if they are tax resident in reportable jurisdictions outside the UK.

5.3 A settlor of a trust will also be deemed to have an Equity Interest in the relevant trust. However, in the context of a charitable trust, it will be unusual for donors to be treated as settlors. They would only be treated as such if they imposed very specific stipulations and conditions as to the use of their donation (eg that payments are to be made to a specified person/third party) and in many cases such stipulations and conditions would not be acceptable as they would not comply with charity law.

Equity Interests in charitable companies, CIOs and Royal Charter bodies (“Incorporated Charity/ies”)

5.4 Unlike charitable trusts and unincorporated associations, generally recipients of grants made by Incorporated Charities are not considered to have an Equity Interest in the grantor charity. Therefore, no action needs to be taken so far as such recipients are concerned.

5.5 However, where an Incorporated Charity holds assets on trust – ie as permanent endowment and/or as restricted funds then recipients of grants made from such assets are likely to be deemed to have an Equity Interest. They will, therefore, be Reportable Account Holders if they are tax resident in reportable jurisdictions outside the UK.

5.6 HMRC does not consider that the members of Incorporated Charities hold an Equity Interest in their charity and no action will be required in so far as such persons are concerned. However, if a member of an Incorporated Charity makes a loan to his/her charity he/she will be deemed to have an Equity Interest in the charity. (Note that there are charity law considerations and restrictions in relation to such loans and it would be advisable to take expert advice before proceeding).

6. Practical application of the CRS in relation to grant recipients

6.1 In summary, if an unincorporated charity - ie a trust or unincorporated association (or in specific circumstances, Incorporated Charities) has, in any of the preceding three years starting from 1 January 2016, derived more than 50% of its income from stocks, shares, bonds and/or debentures which were in whole or in part under professional discretionary management, the trustees of the charity will need to undertake a due diligence exercise on all individuals and organisations who/that receive/d grants from the charity. If any such individual or organisation is tax resident in participating jurisdictions outside the UK (**Reportable Jurisdictions**) then they will need to be reported to HMRC. The relevant procedures are set out below.

6.2 Please note that similar procedures apply in relation to loans made to a charity (see section 4 above) but an explanation of such procedures is outside the scope of this memorandum. Please do contact us, however, should you require any advice in this regard.

Grant recipients that are UK registered charities

6.3 Where grant recipients are registered with any of the UK charity regulators shown below (which will be evidenced from searching the on-line register of the relevant regulator) then no further due diligence will be required. Where any such grant recipients are registered with any of these regulators they will be treated as being tax resident within the UK. They will NOT, therefore, be Reportable Account Holders (see section 3 above) and no further action needs to be taken.

- The Charity Commission for England and Wales;
- The Charity Commission for Northern Ireland; or
- The Office of the Scottish Regulator.

Grant recipients who/that are NOT UK charities

Due diligence questionnaire

6.4 The trustees will need to ask each such grant recipient to complete a due diligence questionnaire in order to determine their tax residency. The Association of Charitable Foundations (“ACF”) has produced specimen due diligence “self-certification” questionnaires for individual grant recipients and those which are organisations (referred to as “entities” in the specimen) – the latter questionnaire is much more detailed. We have modified these slightly and they are reproduced at Appendix 1 to this memorandum. They can be adapted accordingly or alternatively we would be happy to adapt these upon receipt instructions.

CRS Policy

6.5 The above mentioned questionnaires refer to a CRS policy. The ACF has also produced a specimen policy. Again, this has been modified slightly and is reproduced at Appendix 2.

6.6 It is not a legal requirement for charities to adopt such a policy but in our view it would be advisable as it sets out the relevant steps regarding the CRS procedure. Again, please do let us know if you would like us to adapt this for you.

Assessing the due diligence questionnaires

6.7 Once the relevant individuals and organisations have completed the questionnaires it will be necessary to assess whether or not they are tax resident in a Reportable Jurisdiction. Please see the link below to the latest list of Reportable Jurisdictions produced by HMRC. This list does change and trustees will need to ensure that they review this from time to time/check with HMRC accordingly.

<https://www.gov.uk/hmrc-internal-manuals/international-exchange-of-information/ieim400090>

6.8 If any such individuals or organisations are tax resident in a Reportable Jurisdiction the trustees will then need to register with HRMC to create an account to enable them to report the information to HMRC. Please see the link below. (Remember: the reporting deadline for each year ended 31 December is 31 May in the following year).

<https://www.gov.uk/guidance/how-to-report-automatic-exchange-of-information>

This note provides a general summary only and it does not constitute legal advice. It is recommended that specific advice is sought in relation to the particular facts of a given situation.

Sarah Chiappini
Director and Solicitor
Filanthropia Consulting
January 2024

filanthropiaconsulting
for charities and not for profit organisations

PART 1

Specimen due diligence questionnaire for individuals

(prepared by ACF (2017 version) and modified by Filanthropia Consulting)

Self-certification form for individuals in receipt of grants from charities that are Financial Institutions under the Common Reporting Standard (CRS)

Instructions for charities using this form

Charities that qualify as Financial Institutions for the purposes of CRS will have to carry out due diligence to determine the tax residence of their grant holders or any directors or members of an incorporated charity that holds a debt or equity interest, and potentially report this information to HMRC.

This form is designed to assist you in identifying and gathering the reportable information you may not already hold about your grantees which are individuals. Example questions and text are offered as suggestions, but the wording can be adapted to suit your needs and audiences.

The information required in this form can be ascertained electronically or on paper. If you choose to do it on paper, you may wish to ask grant holders to put their initial next to any errors and corrections. If you choose to do it electronically, ensure that you have a system in place to check the information is that of the grant holder, and that you can easily provide a hard copy to HMRC if requested.

Data protection

HMRC guidance requires that you notify your account holders that the data provided in this form may be shared with HMRC, who may subsequently share it with tax authorities in other jurisdictions. You are also required to hold the information given for up to six years. Note that you do not require consent from grant holders for their information to be shared. In light of this, you may wish to inform recipients of your data protection policy, or indicate where it may be found.

Your charity may also wish to highlight that you are obliged to collect this data in order to comply with international tax regimes designed to combat tax evasion, for example:

*This form is required as part of compliance with international tax compliance regulations. The Common Reporting Standard (CRS) obliges **[insert charity name]** to obtain details of your Tax Residence.*

Human rights

If you believe that sharing the data collected in this form will put the human rights of the individual at risk, you can apply to HMRC to have the data withheld from the exchange (redacted). The application form can be found [here](#). If you are working in a sensitive human rights context, you may wish to discuss this with your grant holders.

Individuals under 18

If the grant holder being required to self-certify is under 18, you may consider whether the parent/legal guardian should sign the form on their behalf (if under 12 years), or whether the individual should sign the form and their parent/legal guardian should countersign (if aged 12-17).

If you do not already assign identifying numbers or codes to your grant holders, you may wish to consider such a system for self-certification forms. HMRC may require such a number to be reported.

Data required

Personal details

Mr ____ Mrs ____ Miss ____ Ms ____ Other (specify) ____
Surname _____
Other names _____
Date of Birth _____

Residential status

Address line 1 _____
Address line 2 _____
Address line 3 _____
Address line 4 OR overseas country _____
Postcode _____

Tax details

If you would like assistance with completing this section, seek independent advice from a tax specialist prior to completing this document.

Tax information sharing

Under international tax compliance regulations [insert charity name] may be required to disclose some of the information you provide: this primarily depends upon where you are tax resident. Where we are obliged to do so, we will provide this information to HMRC who will in turn exchange this information with tax authorities in other jurisdictions in which you are tax resident.

Please note that the United States of America is not a participating jurisdiction.

Tax residencies

Are you tax resident in the United Kingdom only? Yes/No (please delete as appropriate)

If you have answered "Yes" to the above question there is no need to complete the remainder of this section and please go straight to the Declaration and signature section.

If you have answered "No" to the above question please complete the remainder of this section. Please detail all countries outside the United Kingdom in which you are resident for tax purposes, as well as your local tax number(s) for each.

Countries of tax residence	Tax number e.g. Tax Identification Number, social security number.	No tax number held* (tick if applicable)

No country of tax residence* _____

* Please provide an explanation where no tax residence or tax number is held (tax number will be required once available):

Please note that even if you are not currently paying tax in a country, this does not necessarily mean you are not a tax resident in that country. You may be tax resident but not have been issued a tax number or hold a functional equivalent. Please ensure the correct position is detailed above.

Additional tax information

Please give any additional addresses that are relevant to your tax residency status

Address line 1 _____
 Address line 2 _____
 Address line 3 _____
 Address line 4 OR overseas country _____
 Postcode _____

Declaration and signature

I confirm that the details I have provided are correct to the best of my knowledge and belief and I agree to notify [insert charity name] of any changes in the information provided.

Signature of individual or parent/legal guardian if individual under 12 years.

_____ Date _____

Signature of parent/legal guardian if individual is aged 12-17 years.

_____ Date _____

Disclaimer by ACF

Please note that although ACF has tried to ensure all the information is correct, we do not guarantee the accuracy of these pages and any person using information contained in them does so entirely at their own risk. See our website for more information. If you have any doubts about your duties under CRS, please refer to the [guidance](#), seek professional advice, or [contact HMRC](#).

Specimen due diligence questionnaire for organisations

(prepared by ACF (2017 version) and modified by Filanthropia Consulting)

Self-certification form for entities in receipt of grants from charities that are Financial Institutions under the Common Reporting Standard (CRS)

*For entities **not** registered with one of the UK charity regulators*

Instructions for charities using this form

Charities that qualify as Financial Institutions for the purposes of CRS will have to carry out due diligence to determine the tax residence of their grant holders, and potentially report this information to HMRC.

This form is designed to assist you in identifying and gathering the reportable information you may not already hold about your grantees which are entities; this includes community groups, enterprises, etc. If you are in any doubt about entity classifications, consult the definitions given in HMRC's guidance or seek professional advice. Note that UK registered charities are presumed to be UK tax resident and do **not** need to complete this form.

The information required in this form can be ascertained electronically or on paper. If you choose to do it on paper, you may wish to ask grant holders to put their initial next to any errors and corrections. If you choose to do it electronically, ensure that you have a system in place to check the information is that of the grant holder, and that you can easily provide a hard copy to HMRC if requested.

Data protection

HMRC guidance requires that you notify your account holders that the data provided in this form may be shared with HMRC, who may subsequently share it with tax authorities in other jurisdictions. You are also required to hold the information given for up to six years. Note that you do not require consent from grant holders for their information to be shared. In light of this, you may wish to inform recipients of your data protection policy, or indicate where it may be found.

Your charity may also wish to highlight that you are obliged to collect this data in order to comply with international tax regimes designed to combat tax evasion, for example:

*This form is required as part of compliance with international tax compliance regulations. The Common Reporting Standard (CRS) obliges **[insert charity name]** to obtain details of your Tax Residence and CRS Entity Classification.*

Human rights

If you believe that sharing the data collected in this form will put the human rights of the recipient or its members at risk, you can apply to HMRC to have the data withheld from the exchange (redacted).

The application form can be found [here](#). If you are working in a sensitive human rights context, you may wish to discuss this further with your grant holders.

If you do not already assign identifying numbers or codes to your grant holders, you may wish to consider such a system for self-certification forms. HMRC may require such a number to be reported.

Data required

Your organisation

Name of organisation ('entity') _____

Nature of work undertaken _____

Registered address _____

Postcode _____

Overseas country (if applicable) _____

Tax residencies

Is your Entity tax resident in the United Kingdom only? Yes/No (please delete as appropriate)

If you have answered "Yes" to the above question please go straight to the next section entitled "About your organisation".

If you have answered "No" to the above question please complete the remainder of this section.

Please detail all countries outside the United Kingdom in which your Entity is currently resident for tax purposes, as well as your local tax number(s) for each.

Countries of tax residence (including the UK)	Tax number e.g. Unique Tax Reference, Tax Identification Number	No tax number held* (tick if applicable)

The Entity does not have a country of tax residence*

*Please provide an explanation where no country of tax residence or tax number is held (tax number will be required once available):

Please note that the United States of America is not a participating jurisdiction.

About your organisation

This part aims to determine the Entity Classification of your organisation. It is based primarily on the nature of your activities, income type and location. If you are in any doubt about how to respond, seek advice from a tax adviser.

Tick any statement in parts A-D which applies to you to confirm your Entity Classification:

A)

- Are you a non-profit organisation with less than 50% of your income deriving from investments?
- Are you an actively trading entity?
- Are you a government entity?
- Are you an international organisation as defined by HMRC (*see page 4 of this form*)?
- Are you a corporation whose stock is regularly traded on an established securities market, or a related Entity of such a corporation?

If you ticked any of the above, you are an Active Non-Financial Entity (Active NFE).

- I declare that this entity is an Active NFE**

B)

- Are you a Custodial Institution, Depository Institution, Investment Entity, or Specified Insurance Company and tax resident in a participating jurisdiction?
- Are you a charity deriving more than 50% of your income from investments and which has granted discretionary management to (an) external manager(s)?
- Are you managed by a Financial Institution and located in a participating jurisdiction?

If you ticked any of the above, you are a Financial Institution, or an Investment Entity which is a type of Financial Institution

- I declare that this entity is a Financial Institution**

C)

- Does more than 50% of your income derive from investments over which your organisation has not granted discretionary management to (an) external manager(s)?
- Do you meet the definition of a Financial Institution or Investment Entity but are not tax resident in a participating jurisdiction?

If you ticked any of the above, you are a Passive Non-Financial Entity (NFE).

- I declare that this entity is a Passive NFE**

If your Entity classifies as a **Passive NFE**, each one of the Controlling Persons must complete the Controlling Persons Appendix at the end of this form.

ALL ENTITIES MUST COMPLETE THE DECLARATION BELOW

Declaration

I certify that the information recorded on this document is complete and correct. I confirm that the Entity agrees to notify [insert charity name] of any changes to the information provided within 30 days of the change.

One individual from the following list should sign and date below, as applicable:

- A director of a company;
- A partner of a partnership;
- A trustee of a trust;
- Any person holding an equivalent title to any of the above for all other entities.

Signature

Date _____

Name _____

International organisations as defined by HMRC:

“International organisation means any international organisation or wholly owned agency or instrumentality thereof. This category includes any intergovernmental organisation (including a supranational organisation):

- 1. That is comprised primarily of governments;*
- 2. that has in effect a headquarters or substantially similar agreement with the UK; and*
- 3. the income of which does not inure to the benefit of private persons.*

The IGA with the USA and those with the CDOT jurisdictions define these by reference to an exhaustive list which comprises any UK office of: The International Monetary Fund, The World Bank, The International Bank for Reconstruction and Development, The International Finance Corporation, The International Finance Corporation Order, 1955, The International Development Association, The Asian Development Bank, The African Development Bank, The European Community, The European Coal and Steel Community, The European Atomic Energy Community, The European Investment Bank, The European Bank for Reconstruction and Development, The OECD Support Fund, The Inter-American Development Bank.

If any International organisation with a UK office is identified that meets the CRS and DAC definition, but which is not included in the IGA list, you should contact the CTIS International Relations and Exchange of Information policy team with responsibility for automatic exchange agreements.”

Controlling Persons Appendix

For Passive NFEs only

What is a Controlling Person?

This term is only relevant for entities that are **Passive NFEs**. According to HMRC's guidance, the Controlling Person, also known as the 'beneficial owner', is *"the natural person(s) who exercise control over an entity.*

- *For companies it will include those controlling more than 25% of the company and/or its assets, or if none has such control the Senior Managing Official; for partnerships it is the partners.*
- *For trusts and similar legal arrangements it means the settlor(s), trustee(s), protector(s), beneficiary(ies) or class(es) of beneficiary; for trusts all of these natural persons must be treated as Controlling Persons, whether or not any of them actually exercises control over the trust."* Considering the nature of trusts, the beneficiaries referred to are those with a mandatory interest or a vested interest.

Each one of the Controlling Persons must complete the form on the following pages. Please use additional sheets if required.

Controlling Person 1

Name _____
Address line 1 _____
Address line 2 _____
Address line 3 _____
Address line 4 OR overseas country _____
Postcode _____
Date of Birth _____
Country of Birth _____
City/town of Birth _____

Please detail all countries in which the Controlling Person is subject to tax (i.e. where they are liable to tax), as well as the local tax number(s) for each.

Countries of tax residence	Tax number e.g. NI number (UK), TIN (US), social security number.	No tax number held* (tick if applicable)

No country of tax residence*

* Please provide an explanation where no tax residence or tax number is held (tax number will be required once available):

Please note that even if you are not currently paying tax in a country, this does not necessarily mean you are not a tax resident in that country. You may be tax resident but not have been issued a tax number or hold a functional equivalent. Please ensure the correct position is detailed above.

Controlling Person 2

Name _____
 Address line 1 _____
 Address line 2 _____
 Address line 3 _____
 Address line 4 OR overseas country _____
 Postcode _____
 Date of Birth _____
 Country of Birth _____
 City/town of Birth _____

Please detail all countries in which the Controlling Person is subject to tax (i.e. where they are liable to tax), as well as the local tax number(s) for each.

Countries of tax residence	Tax number e.g. NI number (UK), TIN (US), social security number.	No tax number held* (tick if applicable)

No country of tax residence*

* Please provide an explanation where no tax residence or tax number is held (tax number will be required once available):

Please note that even if you are not currently paying tax in a country, this does not necessarily mean you are not a tax resident in that country. You may be tax resident but not have been issued a tax number or hold a functional equivalent. Please ensure the correct position is detailed above.

Controlling Person 3

Name _____
 Address line 1 _____
 Address line 2 _____
 Address line 3 _____
 Address line 4 OR overseas country _____
 Postcode _____
 Date of Birth _____
 Country of Birth _____
 City/town of Birth _____

Please detail all countries in which the Controlling Person is subject to tax (i.e. where they are liable to tax), as well as the local tax number(s) for each.

Countries of tax residence	Tax number e.g. NI number (UK), TIN (US), social security number.	No tax number held* (tick if applicable)

No country of tax residence*

* Please provide an explanation where no tax residence or tax number is held (tax number will be required once available):

Please note that even if you are not currently paying tax in a country, this does not necessarily mean you are not a tax resident in that country. You may be tax resident but not have been issued a tax number or hold a functional equivalent. Please ensure the correct position is detailed above.

Controlling Person 4

Name _____
 Address line 1 _____
 Address line 2 _____
 Address line 3 _____
 Address line 4 OR overseas country _____
 Postcode _____
 Date of Birth _____
 Country of Birth _____

City/town of Birth _____

Please detail all countries in which the Controlling Person is subject to tax (i.e. where they are liable to tax), as well as the local tax number(s) for each.

Countries of tax residence	Tax number e.g. NI number (UK), TIN (US), social security number.	No tax number held* (tick if applicable)

No country of tax residence*

* Please provide an explanation where no tax residence or tax number is held (tax number will be required once available):

Please note that even if you are not currently paying tax in a country, this does not necessarily mean you are not a tax resident in that country. You may be tax resident but not have been issued a tax number or hold a functional equivalent. Please ensure the correct position is detailed above.

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Specimen CRS policy

(prepared by ACF (2017 version))

Note: *A policy on due diligence is optional. You may wish to adopt such a policy, but charities are not compelled by HMRC to do so. This example can be adapted as necessary to suit your requirements.*

Relevant information

1. This policy states [insert charity name]'s approach to due diligence for the purposes of reporting under the Common Reporting Standard (henceforth CRS, also known as the Automatic Exchange of Information).
2. In order to meet its responsibilities, [insert charity name] will collect the following information from relevant individual account holders:
 - a. Name of individual
 - b. Residential address of account holder
 - c. Jurisdiction(s) of tax residence
 - d. Tax Identification Number (if it exists) of account holder
 - e. Date of Birth
3. For entities which are relevant account holders, [insert charity name] will collect the following information:
 - a. Name of entity
 - b. Registered address
 - c. Jurisdiction of formation
 - d. Tax identification number (if it exists) of account holder
 - e. Entity classification

Self-certification

4. For entities, [insert charity name] will where possible determine tax residence from the public registers of the Charity Commission for England and Wales, the Charity Commission for Northern Ireland, and the Office of the Scottish Charity Regulator. Self-certification will only be sought where such information is not available.
5. Information on new account holders and information not already held on existing account holders will be obtained using a written self-certification form provided by

[insert charity name]. Where written self-certification is not possible, the information will be obtained verbally and recorded by the grants officer.

6. Where it can be deduced from information already held that the account holder is not a reportable person (see Appendix), self-certification will not be sought; for example, if the information held shows that the entity is a corporation that is publicly traded or a governmental entity.
7. Where an individual or entity provides information which conflicts with existing information held by [insert charity name], they will be asked for further information in addition to self-certification in the form of a passport or utility bill or document of registration. The exact form of additional information will be left at the discretion of grants officer.
8. If the grant is being made in circumstances in which it is unreasonable to supply the relevant information required in (2) in written form, grants officers may seek the information in the form of a verbal affirmation and if necessary provide an explanation recorded alongside the grant for why the relevant information could not be reasonably obtained.
9. Grants may be approved before the relevant information is obtained if the grants officer believes it would be impossible, or if disproportionate steps would need to be taken, for the relevant information to be given in time for the grant award to make an impact. [Insert charity name] will take steps to collect the relevant information as soon as possible after a grant has been awarded in these circumstances.
10. Best efforts will be made to obtain self-certification in accordance with CRS requirements, as outlined in (11) to (13). If the grant is being made in circumstances in which it is impossible to give the relevant information required in (2) in a timely manner, grants officers may approve a grant with an explanation recorded alongside the grant for why the relevant information could not be reasonably obtained. Examples of such cases may be a grant holder's physical or mental capacity, sensitivity to the grant holder's emotional state, or other justifiable reason to not supply information.

When information is not forthcoming

11. Where an individual or entity has not given self-certification or given information to resolve a conflict with existing information, [insert charity name] will write to account holder after 4 weeks requesting the relevant or additional information.

12. If an individual or entity has not given the relevant information following (9), **[insert charity name]** will write again to the account holder after 4 weeks have elapsed since the previous contact was made.
13. If an individual or entity has failed to provide the information after a reasonable period has passed,, the trustees may consider the reasons why, and if it is due to a lack of capacity or it has been unreasonable to expect the information to be provided, **[insert charity name]** reserves the right to make a grant after discussion and approval by the Board of Trustees. Examples of such cases may be a grant holder’s physical or mental capacity, sensitivity to the grant holder’s emotional state, or other justifiable reason to not supply information.

Record keeping

14. **[Insert charity name]** will keep records on all reportable grant holders for six years from the last date that individual or entity is reportable, and on all non-reportable grant holders for six years from the last date of self-certification, in accordance with CRS requirements.
15. Records will be kept in line with relevant data protection legislation and regulation **[or if available reference existing data protection standard]**.
16. Record keeping for the purposes of CRS will be overseen by **[insert officer role]** and reviewed by the Board of Trustees as required.

APPENDIX

Reportable person – According to HMRC’s guidance, *“a Reportable Person is an individual or entity that is resident under the laws of the Reportable Jurisdiction, or for an entity that has no residence for tax purposes, the jurisdiction in which its place of effective management is situated. Some entities and individuals may be tax resident in more than one jurisdiction.”*

Disclaimer by ACF

Please note that although ACF has tried to ensure all the information is correct, we do not guarantee the accuracy of these pages and any person using information contained in them does so entirely at their own risk. See our website for more information. If you have any doubts about your duties under CRS, please refer to the [guidance](#), seek professional advice, or [contact HMRC](#).