

Financial Crimes Enforcement Network Section 314(a) Policy

Collections; Customer Service; Transaction Services

Policy Owner: iCreditWorks

Servicing Agent: Total Card, Inc.

Product: [iCreditWorks](#)

BIN:

GENERAL

The term "section 314(a)" refers to section 314(a) of the law Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA Patriot Act) Act of 2001 Public Law 107-56. iCreditWorks provides the 314(a) subject list to TCI every 2 weeks. Upon review of the files, TCI conducts a one-time search of its records to identify accounts of a named suspect. The list is compared to the master file and TCI's internal purged accounts database to match social security number (SSN)/employer identification number (EIN), then name and/or address.

TCI completes their search on all subjects listed in the 314(a) request and responds by email to iCreditWorks.

A log is maintained with the date the request was received, the date the review was complete, if a match was found, the number of matches found, if the account was blocked, and the representative's name that worked the report and the resolution if any. Under no circumstances is the customer to be informed that they are on the FinCEN list. If the customer specifically asks if they are on the FinCEN list, you may tell them to contact FinCEN at 703-905-3770.

If TCI knows, suspects, or has reason to suspect that a customer may be linked to terrorist activity against the United States, TCI immediately notifies iCreditWorks. A Suspicious Activity Narrative is filed within 10 days.

A financial institution may only use the information to report the required information to FinCEN, to determine whether to establish or maintain an account or engage in a transaction, or to assist in BSA/AML compliance. While the section 314(a) list could be used to determine whether to establish or maintain an account, FinCEN strongly discourages financial institutions from using this as the sole factor in reaching a decision to do so unless the request specifically states otherwise. Unlike the OFAC lists, section 314(a) lists are not permanent "watch lists." In fact, section 314(a) lists generally relate to one-time inquiries and are not updated or corrected if an investigation is dropped, a prosecution is declined, or a subject is exonerated. Further, the names do not correspond to convicted or indicted persons; rather a 314(a) subject need only be "reasonably suspected" based on credible evidence of engaging in terrorist acts or money laundering. Moreover, FinCEN advises that inclusion on a section 314(a) list should not be the sole factor used to determine whether to file a Suspicious Activity Report (SAR). Financial institutions should establish a process for determining when and if a SAR should be filed.

Version	Revised By	Brief Summary of Changes	Revision Date
1	Paul Fretham	New Policy	5/6/19

Last Annual Review Completed by on

Next Review Date: 6/1/2020