



Department of the Treasury Financial Crimes Enforcement Network

Guidance

FIN-2008-G006

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Subject: Preparation Guidelines for Use of Special Response “XX” in FinCEN Form 109, Suspicious Activity Report by Money Services Business (Form Date March 31, 2007)

The Financial Crimes Enforcement Network (“FinCEN”) is issuing this guidance to assist money services businesses (“MSBs”) in correctly completing FinCEN Form 109, Suspicious Activity Report by Money Services Business (“SAR-MSB”). On October 10, 2007, FinCEN issued guidance entitled, “*Suggestions for Addressing Common Errors Noted in Suspicious Activity Reporting*,”¹ which highlighted the importance of filing complete and accurate SARs especially with regard to those item fields designated as critical. Subsequently, FinCEN updated the instructions to the SAR-MSB on February 29, 2008 to reflect the importance of proper completion of those critical fields. The present guidance highlights the SAR-MSB instructions for completing a critical field when information is unavailable or inapplicable. Where appropriate, the present guidance provides more detailed instructions to increase industry comprehension.

The SAR-MSB designates certain item fields as critical by including an asterisk (*) in the item or section title. The information contained in these critical item fields is of significant value to law enforcement investigations and statistical analysis of suspicious activity. When a MSB is completing a critical field and does not have information or the information is not applicable, General Instruction 4 on the SAR-MSB instructs the MSB, subject to certain narrow exceptions, to enter “XX”.² The special response “XX” demonstrates to law enforcement and analysts that the MSB is not overlooking a critical field. The following specific instructions provide a detailed explanation of General Instruction 4. These instructions may be applied to the paper SAR-MSB and the SAR-MSB BSA E-filing form. The instructions should not be applied to other FinCEN forms unless stated explicitly in those forms’ instructions or other guidance.

- Item 4 “Individual’s last name or entity’s full name.” Enter “XX” when the name of the individual or entity is unknown.³

¹ *Suggestions for Addressing Common Errors Noted in Suspicious Activity Reporting*, (October 10, 2007) located at http://www.fincen.gov/SAR_Common_Errors_Web_Posting.pdf.

² Non-asterisk fields should be left blank if the information is unknown or not applicable.

³ An “entity” as referenced in this guidance is a person, other than an individual, as defined in 31 CFR § 103.11(z).

- Item 5 “First name.” Enter “XX” when the individual’s first name is unknown, or when the subject is an entity whose name is entered into item 4 or whose name is unknown.
- Item 7 “Address.” Enter “XX” when the street or like address is unknown.
- Item 8 “City.” Enter “XX” when the address city is unknown.
- Item 9 “State.” Enter “XX” when the address state is unknown or does not apply. Only state/province/territory code entries for the United States, Canada, or Mexico are accepted and this item does not apply to states of other countries.
- Item 10 “ZIP Code.” Enter “XX” when the ZIP Code is unknown or does not apply. This item should contain either a United States ZIP Code or “XX.” This item does not apply to foreign postal codes, which should be recorded in the narrative.
- Item 11 “Country Code (if not US).” Enter “XX” when the address country is unknown. Leave the item blank if the country is the United States.
- Item 12 “Government issued identification (if available).” If an individual’s identification is unknown or the subject is an entity, check box z “Other” and enter “XX” in the “Other” text field. Leave fields e “Number” and f “Issuing state/country” blank. If partial identification information is known, enter it in the appropriate fields and “XX” in the fields missing data.
- Item 13 “SSN/ITIN (individual) or EIN (entity).” Enter “XX” when this data is unknown or does not apply (as in non-US individuals or entities that do not have a SSN, ITIN, or EIN).
- Item 14 “Date of birth.” Enter “XX” in the MM (month) part of the date field when the complete date of birth is unknown or does not apply. Date of birth does not apply to entities. Follow form instructions for item 14 if a partial date of birth is being entered.
- Item 20 “Purchases and redemptions....” Enter “XX” in a field on a transaction line where the required information is unknown. This applies only to transaction lines that have data in other line fields. Transaction lines that have no data should be left blank.
- Item 21 “Currency Exchanges.” Enter “XX” in a field on a transaction line where the required information is unknown. This applies only to fields in transaction lines that have data in other line fields. The fields in transaction lines that have no data should be left blank.

- Item 24 “Legal name of business.” Enter “XX” if the legal name of the business where the transaction was located is unknown.
- Item 26 “Permanent address (number, street, and suite no.).” Enter “XX” if the permanent address is unknown.
- Item 27 “City.” Enter “XX” when the address city is unknown.
- Item 28 “State.” Enter “XX” when the address state is unknown or does not apply. Only state/province/territory code entries for the United States, Canada, or Mexico are accepted and this item does not apply to states of other countries.
- Item 29 “ZIP Code.” Enter “XX” when the ZIP Code is unknown or does not apply. This item should contain either a United States ZIP Code or the special response “XX.” This item does not apply to foreign postal codes, which should be recorded in the narrative.
- Item 30 “EIN (entity) or SSN/ITIN (individual).” Enter “XX” when this data is unknown or does not apply. This information would not apply if the transaction location is not in the United States.
- Item 31 “Business telephone number.” Enter “XX” when the United States business telephone number is unknown or does not apply. This item would not apply if the transaction location is not in the United States. If the transaction location is outside of the United States, the foreign business telephone numbers should be recorded in the narrative.
- Do not use “XX” in any critical item fields of Part IV “Reporting Business” when the reporting business or individual has a United States address. These items should always contain the required data unless the reporting business is the same as the transaction location, in which case, box 34 “The Reporting Business is the same as the Transaction Location” must be checked.
- When the reporting business in Part IV is a foreign business or individual without a United States address and the transaction location is not the same, enter the foreign address in the appropriate fields. Enter “XX” in item 39 “State” if the foreign country is not Canada or Mexico. Enter “XX” in item 40 “ZIP Code” in all cases. Enter “XX” in Item 41 “EIN...” in all cases. Enter “XX” in Item “42 Business phone...” in all cases. Enter foreign postal codes and business phone numbers in the narrative.
- Do not use “XX” in Part V “Contact for Assistance” critical items. These items should always have the required data.

- Do not use “XX” in Part VI “Suspicious Activity Information – Narrative.” Each report must contain a narrative that provides a clear, complete, and chronological description of the suspicious activity.
- Do not use “XX” in any other items on the SAR-MSB form that were not covered above.

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Questions or comments regarding the contents of this Guidance should be addressed to the FinCEN Regulatory Helpline at 800-949-2732.