



**Financial Services  
Commission**

## **Universal Application Form**

### **Trust Questionnaire**

Name of Firm to which this form applies
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Date Received

Version 1.00 – May 2009

## About the Trust

### 1.1 Name of Trust

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### 1.2 Date of settlement of trust

Day	
Month	
Year	

### 1.3 Law/Jurisdiction governing the trust

Country	
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### 1.4 Name(s) of trustee(s)

If the trustee is a body corporate please complete the Body Corporate Questionnaire; if the trustee(s) is an individual(s) please complete an Individual Questionnaire

Name(s)	Type of trustee
	<input type="checkbox"/> Corporate <input type="checkbox"/> Individual
	<input type="checkbox"/> Corporate <input type="checkbox"/> Individual
	<input type="checkbox"/> Corporate <input type="checkbox"/> Individual
	<input type="checkbox"/> Corporate <input type="checkbox"/> Individual

### 1.5 Name(s) of beneficiaries

If the named beneficiaries are a body corporate please complete the Body Corporate Questionnaire; if the named beneficiaries are individuals please complete an Individual Questionnaire

Name(s)	Type of beneficiary
	<input type="checkbox"/> Corporate <input type="checkbox"/> Individual
	<input type="checkbox"/> Corporate <input type="checkbox"/> Individual
	<input type="checkbox"/> Corporate <input type="checkbox"/> Individual
	<input type="checkbox"/> Corporate <input type="checkbox"/> Individual

### 1.6 Name(s) of settlor(s)

Please complete an Individual Questionnaire for each settlor.

Name(s)

**1.7 Please state how many shares in companies related to this application are under the control of trustees?**

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The following will also be required to be submitted–

- Sight of the trust deed involved.
- A written undertaking from the respective trustees to the effect that:
  - the provisions of the trust(s) in respect of beneficiaries, trustee(s) and terms of settlement are as contained in the relevant deed(s) dated [xxx],
  - the resignation of any trustee and, where appropriate, protector will be notified to the Commission forthwith,
  - no other trustee(s) or any additional or different protector(s) will be appointed, without the prior approval in writing of the Commission,
  - any proposed changes to the beneficiaries must be notified in writing to the Commission,
  - any proposed distribution or transfer for value or otherwise of any of the trust assets related to the applicant firm must receive the prior approval in writing of the Commission.

The trustee(s) will also need to confirm that they understand that failure to adhere to their undertaking may result in regulatory action against the applicant/regulated firm.

**The corporate warrants and undertakes:**

I/We certify that the above information supplied in answer to the questions above and those provided in the attached sheet(s) are accurate and correct to the best of my/our knowledge.

I/We undertake to inform the Financial Services Commission of any changes material to this declaration which may arise.

Dated	dd/mm/yy
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Signed

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Position

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For and on behalf of;

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## **Statement on Data Protection**

The Financial Services Commission is exempted by Section 19 of the Data Protection Act 2004 (the "Act") from many of the provisions of the Act which includes the Obligation to Register, Principles for data quality and security, information to be given to data subjects, data subject's access and rectification of data (sections 24, 6, 10, 14 and 15 of the Act). However, to the maximum extent possible, the FSC will follow the obligations imposed by the Act unless it considers that compliance would be likely to prejudice the proper discharge of its functions or prejudice its purposes.

### **Data Controller**

Financial Services Commission of PO Box 940, Suite 943 Europort, Gibraltar.

### **Purposes for which data is collected and processed**

The Financial Services Commission (FSC) is under a statutory obligation to ensure that those persons who exercise control or significant influence or control over the operations of a regulated financial firm be fit and proper as well as to ensure that they have the correct training and competency to conduct that activity. As such the FSC may conduct enquiries on such individuals for these purposes.

### **Recipients of data**

In order to conduct this role, the Financial Services Commission may pass or be required to confirm some or all of the aspects of the data that you have provided with other regulators who perform similar roles to the FSC or law enforcement agencies within Gibraltar or in other jurisdictions.

Similarly, other regulators and law enforcement agencies may seek to confirm with the FSC details of data that you may have supplied to them.

Subject to the confidentiality provisions that the FSC, its officers and staff are subjected to under various regulatory Acts for which it has responsibilities and the restrictions imposed upon it by the Act, the FSC will share your data only for the purposes provided therein.

### **Your rights to access data held by the FSC on you.**

Upon receipt of a written request and subject to being able to prove that the person making the request is the data subject, the FSC will confirm whether or not we hold personal data about you and if so, what this data is. This data will be provided to you in a readily understood format.

The fee for receiving this information is £25 and must be made in a form available from the FSC's web-site at [www.fsc.gi/forms/datarequest.htm](http://www.fsc.gi/forms/datarequest.htm). Alternatively, these forms are available from our reception at Suite 943 Europort or one can be forwarded to you by calling (+350) 40283.

### **Your right to rectify data held by the FSC on you**

If data held by the FSC on you is inaccurate or out of date you can require the FSC to update the data by making this request in writing.

### **Your right to complain about your treatment to the Gibraltar Data Protection Commissioner**

If you consider that the FSC has not complied with the requirements of the Act you may make a complaint to the Data Protection Commissioner:

Gibraltar Data Protection Commissioner  
Gibraltar Regulatory Authority  
Suite 811, Europort  
Gibraltar  
Tel +350 74636  
Fax +350 72166  
E-Mail [info@gra.gi](mailto:info@gra.gi)

### **Human Rights**

Irrespective of anything contained in this statement, your rights under the European Convention on Human Rights and the Gibraltar Constitution Order remain unfettered.