合规官

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PSN02要求任命一名管理层级别的反洗钱/打击恐怖主义融资合规官，并赋予其履行职责所需的充足资源、独立性和信息获取渠道。[1] 在牌照审批实践中，MAS还附加了该公告未明文规定的要求：合规官应常驻新加坡，应专职服务于新加坡持牌机构，并应具备相关经验。MAS在审查牌照申请的适当人选标准时，以及在该职位发生任何变动时，都会评估这些要点。[2] 一位身在楚格、远程兼管新加坡实体的集团合规官，不能满足MAS的要求。一位常驻新加坡、在政策方面向集团合规主管汇报、在履行法定职责方面向新加坡董事会汇报的合规官，则可以满足。

在DPT机构中，这一职位具有MAS已逐渐视为理所当然的技术层面。合规官必须了解机构所使用的链上分析工具，并能够读懂交易图谱。合规官必须知道机构的钱包是如何架构的。最重要的是，合规官必须能够向检查人员解释，一条旅行规则信息、一次地址筛查和一个交易监控警报，如何与同一笔客户转账相关联。从银行业招聘、却不具备这些知识的合规官在检查中表现吃力，MAS已在数宗案例中要求机构将加强该职能作为牌照条件。

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个人问责

MAS的《个人问责与操守指引》自2021年9月10日起生效，适用于支付服务提供商，并设定了五项目标：高级管理人员身份明确，并对其负责的领域承担责任；他们符合适当人选标准；治理安排支持其问责；承担重大风险的人员符合适当人选标准，并受与良好操守相一致的激励机制约束；机构具备促进良好操守的框架。[3] 对于DPT持牌机构，合规官属于此意义上的高级管理人员，运营、技术和业务部门的负责人亦然。机构必须备有一份列明这些人员并说明其职责的文件，并必须说明董事会如何对他们进行问责。在执法中，MAS正是依据该指引来确定禁止令或谴责所针对的个人。在新加坡，合规官个人所面临的责任风险是真实存在的，接受这一职位时应当对此有清醒认识。

注释

1. MAS Notice PSN02，第16段，关于任命管理层级别的反洗钱/打击恐怖主义融资合规官，并为其提供充足的资源和权限。 ↩
2. MAS, Guidelines on Fit and Proper Criteria (Guideline No. FSG-G01)，适用于支付服务提供商的关键人员；第K部分第II章所述的MAS牌照审批实践要求至少一名执行董事常驻新加坡，并设有驻新加坡的合规职能。 ↩
3. MAS, Guidelines on Individual Accountability and Conduct，2020年9月10日发布，2021年9月10日生效，适用于包括支付服务提供商在内的金融机构，对员工少于50人的机构按比例适用。 ↩

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