SoP for information sharing with Law Enforcement Agencies and Intelligence Agencies as updated on 30.05.2024

1. Background:

In order to effectively tackle the economic offenses, it has become imperative that the Law Enforcement Agencies (LEAs), Intelligence Agencies (IAs) (*hereafter referred to as "agencies"*) and other stakeholders of the financial ecosystem take steps to curb this menace by improved cooperation. Central Economic Intelligence Bureau (CEIB) had prepared and circulated a Standard Operating Procedure (SOP) dated 11.04.2022 which provided guidelines, timeframes, and details of point of contact for seeking data by the agencies from the banks. The rise in economic offenses on the back of technological advancements have necessitated that the Agencies, Banking sector and other stakeholders like Indian Cybercrime Coordination Centre (I4C), etc. to cooperate and work as a single cohesive unit. In an order dated 15.04.2024, Hon'ble High Court of Delhi observed that "The process of finalization of the updated SOP, both by the CEIB and also by the RBI, to continue in an efficient manner and be concluded by 30th May, 2024". This SOP aims to streamline and codify the process of data sharing between banks, LEAs and IAs.

2. Classification of Information/Records/Documents:

Banks receive requests for submission of various types of information/records/documents from various agencies under various sections of law which can be broadly classified as below:

a) Digital information: System-maintained and system-stored information such as e-Statements of accounts, Transaction details/particulars/CCTV footages, Net banking logs, Net banking IP Logs, API IP logs, UPI logs, Business Correspondent Logs, Corporate Agent Logs, PPI Logs, Credit Card and Debit Card Logs, AePS-based transactions Logs, Pool Account logs, Fast-tag logs, CBDC Logs, Policy Statements/Circulars, etc, which are maintained in digital form by IT department/Data Warehouse/Security Department of banks.

b) Physical information: Documents/ records such as KYC/Account Opening Forms, Statement of Accounts, Loan Applications, Sanctioned proposal notes, Sanction Letters, Loan documents, Loan appraisals, LC/BG, Vouchers, Bills, Policy statements/Circulars, record registers etc. which are maintained by the banks in the physical form.

c) Above list is indicative and LEAs/IAs may seek any other information from the banks on need basis within the framework of this SOP.

3. Types of Data Repositories and Retrieval Centers:

a) Operational units such as Branch Office/Regional Office/Zonal Office/Head Office/Other Administrative Offices of the Bank
b) Data warehouse units such as Processing Centers, Resolution Centers, IT Cells, Security Department, Archival Centers etc.
c) Court/DRTs etc.
d) Temporary Custodian LEAs such as Police, CBI etc. on account of seizure
e) In case the documents have been destroyed, the bank should provide the records showing destruction of the requisitioned records along with the extracts of relevant guidelines of the bank in support thereof.

4. General Instructions:

A. For Agencies (LEAs and IAs):

i. The agencies must clearly specify following information while making any request to the Banks:

a) Mandatory fields to be mentioned in the request are:
   i. Name of the Bank
   ii. Bank Account Number and/or Name of the Bank Account Holder
   iii. Whether Lien/Freeze to be marked:
   iv. In case of Lien, the amount for which Lien to be marked
   v. Section(s)/Act(s) under which notice issued
   vi. Name, contact number, email id of the investigating/intelligence officer
   vii. Address (email/physical) on which information is expected to be received.

b) Optional fields to be mentioned in the request are:
   i. Name and IFSC of the Branch
   ii. Details of the Transaction
   iii. Date/Period of the Transaction:

ii. Instructions for Unfreezing of account should come from the original instructing agency with proper authorization.

iii. In case agencies require the Certified Hard Copies of documents, then requests must specify purpose for which it is being sought and/or reference of the Court order, as applicable.

iv. The agencies to preferably send the request in the language which could be comprehended by the dealing branch. In case the bank requests for a translation due to language barrier, the agencies would provide English/Hindi translation of the request at the earliest.

v. In some cases, the agencies instruct banks to mark total/debit freeze in Payment Aggregator's accounts that are Nodal / Fiduciary / Aggregator / Handle Accounts through which all the payments are grouped and routed (including third-party payments), this stops the entire operations in the Aggregator's accounts causing operational inconvenience to the other customers of the Aggregator and maybe avoided by agencies and option of lien to be explored on merits, to the extent possible.

vi. The freeze/lien marked to be periodically reviewed by the agencies and changes to be updated on portal for Banks to remove the said freeze/lien.

vii. To avoid duplicity of efforts on the part of banks, if the request for freeze/lien has been raised by the agency on NCRP, then the same request need not be sent again by the agencies to the banks on the designated email IDs, because this would lead to duplication of freeze/lien on the same account and also wasteful human efforts at both agency and banks end.

B. For Banks:

i. Designate a Compliance Officer/Nodal Officer as a Single Point of Contact (SPOC) at apex level in each bank, duly assisted by an alternate person to act in his place in case of emergency, to receive all requests to coordinate the responses to such requests. Such Nodal officers may be appointed at State/UT level for enhanced and improved efficiency in processing of requests.

ii. Details of SPOC including email id and address to be made available on bank's official website and on Indian Banks' Association (IBA) portal for ease of access. The details of SPOCs of all the banks must be updated quarterly by IBA or whenever there is change in incumbent, whichever is earlier.

iii. Banks to create a dedicated email ID for receiving requests.

iv. Respond to all government communication channels and broad level domains having gov.in or nic.in in the email address.

v. The request received on email to be diarized and forwarded to the concerned branch along with a copy to the Controllers/Surveillance Departments at Circles. In case of hard copies, the same may be scanned and processed.

vi. The branch should send an acknowledgement regarding availability of information/documents and turnaround time (TAT) to the agency concerned within three (03) working days and mark a copy to Controller and SPOC.

vii. The branches need to maintain a register of the receipt of requests from the agencies and verify the availability of information at their branch or other centers. Available information is to be shared by the branch and for the information not available, reasons for same may be informed to the LEAs in writing.

viii. Requests received directly in the branch(s) to be processed under intimation to respective SPOC.

ix. If the request of the agency is for debit freeze/stop/hold in suspicious accounts, banks to take immediate action. Other attachments/Garnishee/Court Order are to be acted upon promptly with due priority.

x. The acknowledgment regarding debit freeze/stop/hold & action taken thereof must be intimated to the agency the same day (if request is made by LEA **before 4 PM**). This timeline would not be applicable for the requests routed through NCRP and need to be catered to on fast-track basis.

xi. Branches to provide the available documents/information to the agencies.

xii. In some instances, the agencies may request information/documents from the branches concerned directly, wherein the branch concerned would comply with all such requests and share the information directly duly mentioning the name, designation and contact details of the concerned branch officer, under intimation to the respective SPOC.

xiii. The account statement may be furnished by the banks in excel format on request basis.

xiv. For information/documents available with other centers, they should make necessary arrangements to obtain and send the required information, under information to their Controllers.

xv. In case of urgent and high-volume requests, multiple interim submissions may be made.

xvi. The chain of custody of the documents and relevant facts to be communicated to the agency, when specifically asked, under intimation to the SPOC. Efforts must be made to submit maximum amount of available information at the first instance itself.

xvii. Submission of counter Party details:

In all cases of data sharing with the agencies, the banks would invariably provide counterparty details in clear terms. Counterparty details to include counter party name, their account number and IFSC code of the Branch; in case, it is inevitable to use some code along with counter party details, the meaning of that code and reasons for using that code to be provided by the banks in the same set of communication to the agencies. For notices where clarification regarding counter party details is sought by the agencies, the information would be provided by the banks within timeline as mentioned in this SOP. There would not be any threshold limit for providing counter party details by the banks to the agencies.

The Standard format in which report would be submitted by the banks must entail the following details:

a. Account Details:

- Account Holder Name
- Account Number
- IFSC of the Branch
- Account type (Savings/Current/Others)

- Account status (Active/Dormant/Inactive)
- PAN (if available)
- Linked Mobile Number.
- Country code, in case of international accounts.

b. Transaction Details

- Type of Transaction (Credit/Debit)
- Particulars of the transaction/Narration
- Amount (in numerals and words)
- Categorization of transaction (Cash/IMPS/RTGS/UPI/Others)
- Transaction Reference Number
- Counterparty name
- Counterparty account number.
- Counterparty bank IFSC.
- Counterparty PAN (if available)

xviii. Banks would create 'LEA/IA report generation tool' in their CBS applications for operationalizing report generation comprising the above fields.

xix. If the request is received from the Income Tax department, available PAN of the bank account holders of the transacting parties should invariably be provided.

xx. In case the information is not available with the banks due to submission in Courts/DRTs, then the banks need to intimate the present custodian of the records to the concerned agency.

xxi. The Compliance Officer/SPOC to review the position periodically and ensure that the information/documents are submitted to the agencies within stipulated timelines. Upon completion of the case, the request of the agency may be closed and the same may be intimated to the concerned agency.

xxii. To avoid delay in updating of cases received on NCRP, if Retrieval Reference Number (RRN) of transaction(s) is/are not available in Credit card/debit card cases, then complete card details must be updated on the portal.

xxiii. **To provide timely response to complaints lodged on National Cyber Crime Reporting Portal (NCRP):** An API integration with the NCRP is recommended as this will reduce the average response time on Portal. Additionally, Indian Cyber Crime Coordination Centre (I4C), MHA would be sharing a detailed SOP for NCRP, CFCFRMS, 1930 & Disposal of Property.

5. Procedure and Timelines:

i. Agencies shall request banks for the required information using email, letter, NCRP or any other formal mode of communication. Within the scope of this document, banks shall

dispose all the requests received from the agencies.

ii. When banks receive instructions from Cyber police on phone calls/SMS/WhatsApp for marking lien/debit freeze in the account due to urgency of action, these verbal instructions should be followed by authorized letter/email of the appropriate authority within one (1) working day.

iii. Timelines for sharing of data by banks with LEAs/IAs is as follows:

Category of Information/Availability of information	Readily available at Branch (in weeks)	Available at other centers of the bank (in weeks)	Available at Archival Centre (in weeks)
Any digital information such as Statement of Accounts, KYC, Account Opening Forms etc.	1	2	6
Any physical information such as Loan Applications, LC/BG etc.	1	3	6
CCTV Footage	1	2	3

iv. Above timelines start from the day the request is received on the valid email ID of the bank. The timelines furnished above are outer limits. The bank would strive to provide the information as early as possible.

v. For anything not written in the SOP, the maximum time-limit would be six (6) weeks to furnish the details.

vi. Consequent to API integration, if marking of lien and freeze is executed through NCRP, and any other similar portal, a report on accounts which have been marked as freeze/lien should be communicated by the user LEA on daily basis to the banks, to enable banks to reconcile their records.

vii. Banks shall establish a "a grievance redressal mechanism" in consultation with I4C(MHA) and LEAs to address grievances, if any, of customers in relation to action under this SOP.

viii. With regard to resolution of non-receipt of information by LEAs, banks shall create an "escalation matrix" consisting of at least the following levels:

- Level One: Branch Head/SPOC of Bank
- Level Two: CEO/MD of the Bank

ix. In normal course, the banks and agencies may adhere to a standard format for seeking and sharing information in order to make data sharing fast and efficient.

6. Conclusion:

The Standard Operating Procedures (SOP) provides a framework for collaboration between banks and LEAs for sharing of information. This SOP has codified the procedures, format and timelines for seeking of information on financial crimes in an efficient manner for effective investigation process.