Government of the Netherlands

Preventing money laundering

Client vetting by gatekeepers: what does it mean for you?



Introduction

The Netherlands has a strong financial system that we all make use of. But criminals misuse it. For instance, by using money they earn from fraud or drugs to buy houses. They then set up drug labs in those houses, or use them as a base for selling stolen goods.

In other words, they misuse the system to expand their activities and launder the proceeds of their crimes. But what does this mean for you, as a client in the financial system?

To prevent misuse of the financial system, banks, civil-law notaries, accountants and other parties must be very alert. They have to check the identity of their clients and customers and verify where their money comes from. We call these businesses and professionals gatekeepers.

When people use their services, or make a purchase or sale through them, the gatekeeper will ask certain questions. For example, when someone buys a house, wants to start a business, or sells a gold bracelet to a jeweller. Gatekeepers may also ask questions when someone accepts an inheritance, or deposits a large sum of money they had been saving.

That can feel awkward, or even unnecessary. But these questions are important. They help to combat crime, prevent misuse of our financial system, and keep our society safe.



What are gatekeepers?

Gatekeepers are businesses and professionals who are legally required to vet their clients. This helps keep the financial system safe.

They look out for unexpected and unusual payments, purchases and sales. They also check the identities of their clients. They do this when you first become their client. They may also ask you questions again at a later time.

Gatekeepers include banks, civil-law notaries, lawyers, accountants, estate agents, people who trade in valuable goods, organisations that offer games of chance, investment companies and traders in cryptocurrencies.

How does vetting work?

A gatekeeper may contact you for vetting. They may want to meet with you online or in person. The gatekeeper may ask for proof of identity and additional information about your situation. If you are a private client, they may ask for bank statements, payslips or documentation of a gift, inheritance or sale. If you are a business client, they may ask for documents about your business.

For instance, an extract from the chamber of commerce, articles of association, annual financial statements, contracts or information about the owner of the business. Which documents they ask for depends on the situation.

The gatekeeper checks in advance whether they will need to ask further questions or see more information. The bigger the risk of money laundering, the more questions they are required to ask. For example, if a large cash amount is involved. Even if you are not a new client, a gatekeeper may ask you again for information. For instance to check whether your information is still correct.

If the gatekeeper can't find out everything they need to know, they are not permitted to help you. That could happen even if you are already a client. Sometimes there may be no clear explanation for a transaction, purchase or sale. If certain questions remain unanswered, the gatekeeper is required to report the transaction to the Financial Intelligence Unit-the Netherlands (FIU-the Netherlands). This body handles reports of unusual transactions, purchases and sales.

Who has oversight over gatekeepers?

Gatekeepers must comply with the law. There are supervisory authorities that make sure of this.

The supervisory authorities are the Dutch central bank (De Nederlandsche Bank, DNB), the Dutch Authority for the Financial Markets (AFM), the Financial Supervision Office (BFT), the Financial and Economic Integrity Service (DFEI), the Netherlands Gambling Authority (KSA) and the deans of the bar associations in the Dutch court districts.

Vetting and mandatory reporting

How gatekeepers work depends on their sector and the kinds of clients they have. For that reason, the questions they ask and documents they need may differ. In some situations you may have to provide the same information to more than one gatekeeper.

They are often not allowed to share information with each other. The information they need is often personal data that is protected by the General Data Protection Regulation (GDPR). You can ask your bank or other service provider for more information.

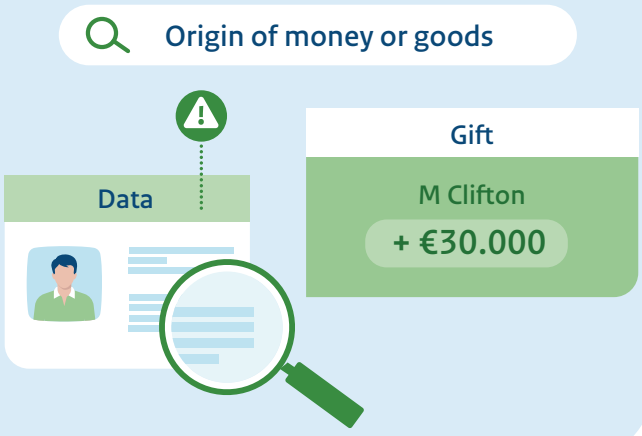
Cooperating with client vetting

If you refuse to cooperate, or if you don't provide all the necessary information, a gatekeeper is not allowed to help you. They may also decide that you can no longer be their client. You have a right to a clear explanation of why a gatekeeper wants certain information from you. In some cases, a gatekeeper may be unable to give you that explanation immediately, for example if an investigation is underway or if the gatekeeper has reported something to FIU-the Netherlands.

What is an unusual transaction?

A transaction may be a payment, purchase or sale. It may be unusual if it is unexpected for a particular client or situation, or if there is a sudden change in how a particular bank account is used. Other circumstances may also make a transaction unusual. For example if someone divides up a large payment into several smaller payments. Or if money is transferred through a country where there is a higher risk of money laundering.

Sometimes it's unclear where money has come from or where it's going, for example because of complex business structures or agreements. Any of these things can make a transaction unusual.



What happens to your data?

Gatekeepers, supervisory authorities and FIU-the Netherlands only use the data they need to vet their clients. They must comply with the law. They will keep your data as long as they are required to, but no longer than the law allows. They may only share your data if the law permits or requires them to do so. For instance, they may share it with FIU-the Netherlands or with a supervisory authority.

Your privacy is protected by the General Data Protection Regulation (GDPR). You have the right to know what personal data an organisation has about you. You can also ask for it to be changed if it is not correct. For more information, see the privacy statements of the organisation you have dealings with, or visit: https://www.autoriteitpersoonsgegevens.nl/en

Financial Intelligence Unit-the Netherlands

The Financial Intelligence Unit-the Netherlands (FIU-NL) is the organisation that looks into reports of unusual transactions. These reports may concern payments, purchases or sales, but also other situations, such as visiting a civil-law notary to set up a business. Gatekeepers report transactions that are unusual or can't be reasonably explained, even if the transaction is stopped before it is completed.

FIU-the Netherlands is not an investigative service, but it does help other organisations detect crime. It looks for signs of money laundering, fraud and terrorist financing. If it finds possible signs, it flags the transaction as suspicious and reports it to an investigative service such as the police.

For more information, see https://www.fiu-nederland.nl/en

New European rules

New European rules on money laundering and terrorist financing will come into force in July 2027. An EU Authority for Anti-Money Laundering (AMLA) will be set up, and a limit will be set for cash payments for goods and services. Because of these new rules, some gatekeepers may have to vet clients again. This means they may have further questions for you. The new rules will ensure that organisations throughout Europe work in the same way.

Making a complaint

If you have a complaint about vetting or about how your situation was handled, the first step is to submit it to the gatekeeper or supervisory authority involved. If you are unable to resolve the matter, you may be able to submit your complaint to an independent complaints office. Which one depends on the nature of your complaint and the gatekeeper involved. If you are unsure where to submit a complaint, ask the gatekeeper which complaints office or supervisory authority to contact.

The supervisory authorities for each category of gatekeepers are listed on the 'Supervisors' page of the FIU-the Netherlands website: https://www.fiu-nederland.nl/en/home/supervisors/

If you believe a gatekeeper has discriminated against you, you can report this to discriminatie.nl. This reporting office can listen to you, offer advice and help you decide what to do next.



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