

**ROATÁN FINANCIAL SERVICES AUTHORITY (RFSA)**

**WHEREAS** the Roatán Financial Services Authority (RFSA) is a department within Próspera ZEDE's General Service Provider that has authority under the Próspera Financial Regulation A to promulgate published administrative actions, subject to override by Rule, applicable to persons governed pursuant to Part 3(c) of Financial Regulation A, for interpretative, investigatory and enforcement purposes.

**WHEREAS** the Financial Intelligence Unit (FIU) of the National Commission of Banks and Insurance (CNBS) services as the Republic of Honduras' national, central agency responsible for requesting, receiving, analyzing, and informing on those events that are objectively considered as probable cases of money laundering or financing of terrorism and other financial information related to the crimes.

**NOW, THEREFORE**, in accordance with articles 15, 18, 294 and 329 of the Constitution of the Republic of Honduras; 1, 2, 8.2, 12.2, 30 and 45 of the ZEDE Organic Law; Part 2(f) and (w), and Part 5 Sections 810 and 901 of the Próspera Financial Regulation A; the Proclamation of Formation of the Roatán Financial Services Authority by Administrative Action of the Próspera ZEDE Council of Trustees, and the RFSA Oversight Committee Inaugural Action by Unanimous Consent; all of which are saved from repeal and guaranteed as controlling law under the mandate of Articles 96 of the Constitution, 10.4 of CAFTA-DR, and 16.4 of the Agreement for the Promotion and Reciprocal Protection of Investments between Honduras and Kuwait, as well as a certain amended Legal Stability Agreement approved by Resolutions §§5-1-130-0-0-0-1, 5-1-160-0-0-0-1; article 17-A of the national Law of the Financial System; and article 4.1.c of the Interamerican Convention Against Terrorism; the following Administrative Action is hereby promulgated.

**RFSA ADMINISTRATIVE ACTION NO. 1****ESTABLISHMENT OF THE FINANCIAL INTELLIGENCE UNIT LIAISON****Section 1. Establishment and Structure**

- (1) There is hereby established the Financial Intelligence Unit Liaison (FIUL) as an office within the Roatán Financial Services Authority (RFSA) responsible for the collection, maintenance, as well as intragovernmental and intergovernmental distribution of financial and other information gathered pursuant to the authorities established by Próspera Financial Regulation A.
- (2) The FIUL shall serve as a liaison with the Financial Intelligence Unit (FIU) of the National Commission on Bank and Insurance's (CNBS), which currently acts as the central, national agency of the Republic of Honduras responsible for receiving, requesting, analyzing, and disseminating information concerning suspected proceeds of crime and terrorist property, as provided for by law and regulation.

- (3) The composition, organization, operation, and resources of Financial Intelligence Unit Liaison (FIUL) shall be established by administrative action of the Roatán Financial Services Authority (RFSA).

## **Section 2. Obligation regarding Confidentiality and Use of Information**

- (1) Every person who has duties for or within FIUL is required to keep confidential any information obtained within the scope of his duties, even after the cessation of those duties, except as otherwise provided by applicable law and or as ordered by court of competent jurisdiction. Such persons may only use such information for the purposes provided for and in accordance with this Section.
- (2) Any current or past employee of the FIUL or other person who has duties for or within the FIUL who intentionally reveals information the confidentiality of which is required to be protected by subsection (1) commits a criminal offence under the Penal Code of Honduras (Legislative Decree No. 130-2017) and shall be punishable in accordance with articles 272, 273, 443, 488, 505, 506 and/or others as may be applicable.

## **Section 3. Action regarding Reports and Other Information Received**

- (1) Whenever the FIUL has serious indications that property is proceeds of crime, is related to or intended for the financing of terrorism, or is terrorist property, it shall forward the relevant information to the Special District Attorney of Próspera ZEDE and/or the Financial Crimes Unit of the Próspera Police Department, who shall decide upon further action.

## **Section 4. Access to Information**

- (1) The Financial Intelligence Unit Liaison (FIUL) may, spontaneously or upon request, share information with the national Financial Intelligence Unit (FIU) or with any foreign counterpart agency that performs similar functions and is subject to similar secrecy obligations with respect to the information it receives based upon reciprocity or mutual agreement.
- (2) The Financial Intelligence Unit Liaison (FIUL) may enter into an agreement or arrangement to facilitate the exchange of information with national agencies or with a foreign counterpart agency that performs similar functions and is subject to similar secrecy obligations.
- (3) The Financial Intelligence Unit Liaison (FIUL) may make inquiries on behalf of the national Financial Intelligence Unit (FIU) or of a foreign counterpart agency where the inquiry may be relevant to the counterpart agency's analysis of a matter involving suspected proceeds of crime or terrorist property, or potential financing of terrorism. The Financial Intelligence Unit Liaison (FIUL) may:

- a) Search its own databases, including information related to reports of suspicious transactions, and other databases to which the FIUL has direct or indirect access, including law enforcement databases, public databases, administrative databases and commercially available databases;
- b) Obtain from financial institutions and designated non-financial businesses and professions information that is relevant in connection with such request;
- c) Obtain from competent authorities information that is relevant in connection with such request to the extent FIUL could obtain such information in a domestic matter; and
- d) Take any other action in support of the request of the national Financial Intelligence Unit (FIU) or of a foreign counterpart that is consistent with the authority of FIUL in a domestic matter.

IT IS SO PROMULGATED THIS 14TH OF JUNE OF 2022.

Alexander P. Rolfe  
Alexander P. Rolfe (Jun 15, 2022 10:23 EDT)

**ALEXANDER ROLFE**  
RFSA Commissioner

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