

CHECKLIST FOR LEASE OF RESIDENTIAL PROPERTY FOR COMPLIANCE WITH THE IMMIGRATION ACT AND WOMEN'S CHARTER

Address of Property: 590 Yishun Ring Road #08-08 S(768694)			
Rental start date: 27 Nov 2020		Rental end date: 26 Nov 2020	
Where any tenant or occupier is a <u>Singapore Citizen or Singapore Permanent Resident</u>, to perform the following checks on <u>each</u> tenant and occupier:			
		Checked (Yes or No)	Remarks
1	Check original NRIC(s) of the tenants and occupiers for forgery and make copies.	Yes	No nric for kids, copy of relevant documents taken.
2	Check photograph(s) on NRIC(s) against the actual person(s) to confirm identity.	Yes	
3	Verify the validity of the NRIC(s) with ICA (through ICA website) and keep copies of the ICA screen capture or acknowledgement slip.	Yes	
Where any tenant or occupier is a <u>foreigner</u>, to perform the following checks on <u>each</u> tenant and occupier:			
1	Check original Immigration pass / work pass / student pass and make copies.		
2	Cross check particulars in these passes with original passport(s) and check photograph(s) against the actual person(s) to confirm identity. Keep copies of the passport(s).		
3	Verify the validity of the passes with MOM database and/or ICA database, and keep copies of the MOM/ICA screen capture or acknowledgement slip.		

DECLARATION

We declare that we have conducted the diligence checks on the NRIC/pass/permit as stated above and we have kept the necessary records arising from the checks.

(Signature of Real Estate Salesperson)
Real Estate Salesperson representing Landlord
Name: David Wong
Registration No: R055580D
Estate Agent: PropNex
Date: 26 Nov 2020

(Signature of Real Estate Salesperson)
Real Estate Salesperson representing Tenant
Name:
Registration No:
Estate Agent:
Date:

ACKNOWLEDGEMENT

I acknowledge that the NRIC/pass/permit checks as stated have been carried out on the tenant(s) and occupier(s). Where the property involved is a HDB flat, the landlord shall comply with HDB's terms and conditions of renting out the flat, including the need to conduct regular checks and ensure that the tenants do not misuse the flat, further rent out the flat, and/or create nuisance to their neighbours.

(Signature of Main Tenant)
Name of Main Tenant: Flordeliza Santos Martinez
Date: 26 Nov 2020

(Signature of landlord)
Name of Landlord: Choong Cha Tap
Date: 26 Nov 2020

Important note to Tenants:

Pursuant to the Women's Charter and the Immigration Act, real estate salespersons who facilitate rental transactions for their clients (whether representing the landlord or the tenant) are required to conduct due diligence checks on the tenants and occupiers. This checklist guides real estate salespersons on carrying out the due diligence checks, including making and keeping copies of the relevant documents.

Explanatory Notes:

1. Where there is any suspicion (e.g. a tenant or occupier refuses to provide the necessary identification documents for checks or make copies), or in situations where the identity of a tenant or occupier cannot be verified, the real estate salesperson has to inform the landlord and report the matter to the Police (<https://www.police.gov.sg/I-Witness>). The real estate salesperson should record accordingly in the "Remarks" column, including whether a Police report is made.
2. Estate agents and real estate salespersons are reminded to comply with the provision of the Personal Data Protection Act (PDPA), including Section 24 which states that an organisation shall protect personal data in its possession or under its control by making reasonable security arrangements to prevent unauthorised access, collection, use, disclosure, copying, modification, disposal or similar risks.

Where to conduct the NRIC/pass/permit validity checks¹

S/N	Description	QR Code
1	Validity of NRIC	
2	Validity of Student Passes/ Dependant's Passes/ Long-Term Social Visit Passes	
3	Validity of Employment Passes/S Passes	
4	Validity of Work Permits	

¹ Each real estate salesperson is to keep his own record of the checks conducted, which includes:

- This Checklist, duly completed and signed;
- For each SC / SPR tenant and occupier: a copy of the NRIC and verification of NRIC with ICA;
- For each foreign tenant and foreign occupier: a copy of the immigration pass / work pass / student pass, a copy of the verification of the passes with MOM / ICA website, and a copy of the Passport.
- The real estate salesperson is required to submit these documents to the estate agent. The estate agent shall keep the records for 5 years.

Date: 24 July 2020

FREQUENTLY-ASKED QUESTIONS ON PRACTICE CIRCULAR 01-20 ON DILIGENCE CHECKS TO COMBAT VICE IN OUR NEIGHBOURHOODS AND COMPLIANCE WITH THE IMMIGRATION ACT

Q1 What is the Women's Charter (Amendment) Act?

A1: The Women's Charter (Amendment) Act was passed by Parliament on 4 November 2019, and will come into effect on 7 Aug 2020. The amendments seek to strengthen the laws against online vice, and to enhance the Police's levers against vice syndicates to safeguard our neighbourhoods against vice activities.

Q2 Should the landlord's real estate salesperson (RES) or tenant's RES take ownership to complete the diligence checks and the Checklist?

A2: Both the landlord's RES and the tenant's RES must conduct the required diligence checks and complete the Checklist. RESs who wish to fill in separate Checklists may do so. If one RES fails to conduct the checks, the other RES should remind him to do so.

Failure to conduct the checks could lead to CEA taking disciplinary action against the RES.

Q3 What if the RES is unable to verify the NRIC/Passport/Work Pass of all the authorised occupiers against the actual person (e.g. if an occupier is overseas)?

A3: In carrying out the diligence checks for local tenants and occupiers (Singapore Citizens or Singapore Permanent Residents), the RES should ask to check the NRIC of these persons. If the tenant claims that his NRIC is lost or stolen, a police report is required as proof. In such situations, the RES is to indicate the police report number, if any, in the "Remarks" column of the Checklist. RESs could then ask for alternative documentation, such as the passport, for the diligence checks.

For foreign tenants/occupiers, the RES should check against their passports and work/student/immigration passes for verification. In the situation where the tenant or an occupier is overseas, the verification of the photograph shown in the tenant/occupier's passport against the actual person could be done via video conferencing (e.g. Skype) and be recorded in the "Remarks" column of the Checklist. The RES should keep copies of the call or text logs as further documentation that these checks were completed.

In situations where the identity of a tenant or occupier cannot be verified, or when the RES suspects criminal activities involved, the RES has to submit information on the suspicious activity to the Police via <https://www.police.gov.sg/i-Witness>. Failure to do so may open the RES to investigation should vice or other criminal activities be detected in the property.

The RES shall also highlight to the police through i-Witness, when the tenant/occupier refuses to provide the necessary identification documents for checks or for RES to make copies. Such behaviour is deemed suspicious. The RES should record accordingly in the "Remarks" column of the Checklist, including whether information has been submitted to the Police. If the landlord still decides to proceed with the transaction, the RES should indicate the landlord's decision accordingly in the "Remarks" column of the Checklist.

Q4 What if the client (landlord or tenant) refuses to sign on the checklist?

A4: The RES must explain to the landlord or tenant the purpose of the Checklist, namely, that this is to ensure that the identity of the tenant and occupiers are who they claim to be by conducting the required diligence checks. If the landlord or tenant refuses to sign the Checklist, the RES must record the refusal to sign in the “Remarks” column of the Checklist.

If the RES knows or has reason to believe that the property may be used for vice activities or other criminal activities, the RES must submit information on the suspicious activity to the Police via the iWitness channel (<https://www.police.gov.sg/I-Witness>), regardless of which party the RES represents. Failure to do so may open the RES to investigation should vice or other criminal activities be detected in the property.

Q5 What if the RES finds a transaction suspicious (e.g. if the tenant fails identity checks), and the landlord insists on proceeding with the transaction? What can the salesperson do?

A5: Should the landlord decide to complete the transaction despite the RES advising the landlord against it, the RES should document the advice given to the landlord and the checks conducted in the Checklist.

The RES can also consider submitting such information to the Police, such as via iWitness (<https://www.police.gov.sg/I-Witness>), to safeguard himself.

Q6 Does the RES have to secure the signatures of all tenant and occupiers in the Checklist?

A6: If there is more than one tenant or occupier in a tenancy agreement, the RES is not required to get all the tenants and occupiers to acknowledge and sign the Checklist. Only the main tenant (i.e. the signatory of the tenancy agreement and whom the RES liaises with on the rental transaction) needs to sign on the Checklist.

Nonetheless, regardless of the number of tenants and occupiers listed in the tenancy agreement, the RES shall conduct the diligence checks outlined in the Practice Circular on all tenants/occupiers.

Q7 Is the tenant’s RES responsible for the diligence checks if the landlord is not represented?

A7: The tenant’s RES is responsible for conducting the diligence checks on the tenants and occupiers. This is the case even when the landlord is represented by a RES. In the situation where the landlord is not represented by a RES, the tenant’s RES should share the Checklist with the landlord and inform the landlord on the need to conduct his own checks on the tenants and occupiers.

Q8 Are diligence checks required for renewal of the lease or if there is a change in

tenant / occupier?

A8: Yes. These diligence checks apply to all renewal of rental transactions and any change in tenants/occupiers that the RES is facilitating.

Q9 Are electronic signatures acceptable in the Checklist?

A9: The RES may use a digital copy (PDF) of the Checklist and sign off or append it with electronic signatures. For instance, after verifying the tenants'/occupiers' identities, the RES may send digital copies of the checklists to the landlord or tenant for them to append their electronic signatures on the digital copies which are then sent back to the RES.

Q10 Despite conducting the diligence checks and checklist done, there is vice activity detected in the property. Would the RES be held liable?

A10: It is not the Government's intent to target enforcement actions against RESs who have acted in good faith, and in accordance with their professional duties.

However, a RES who fails to perform the required diligence checks could be subject to disciplinary actions by CEA. Any RES who wilfully or knowingly facilitates the rental transaction with the knowledge that it will lead to vice activities will be liable for criminal prosecution, regardless of whether the RES has conducted the diligence checks.

Q11 Are RESs required to retain the checklist?

A11: The completed checklist as well as results of diligence checks shall constitute documents relating to property transactions. It shall be retained by estate agents for 5 years as transaction documents in compliance with Paragraph 7(1) of the Code of Practice for Estate Agents Act (COPEA).

Q12 Are RESs allowed to collect information on personal identity and make copies of the NRIC of their clients under the Personal Data Protection Act (PDPA)?

A12: In August 2018, the Personal Data Protection Commission published the Advisory Guidelines on the PDPA for NRIC and other National Identification Numbers. The guidelines state that an organisation may collect, use, or disclose a person's NRIC number with notification and consent, when it is necessary to accurately establish or verify the identity of the individual to a high degree of fidelity. This applies to property transactions as the inability to accurately identify an individual may pose a risk of significant impact or harm to an individual and/or the organisation. See paragraph 3.13b of the guidelines. Details on the PDPA guidelines can be found [here](#).

The RES has to explain to the tenants and occupiers that he is required to help the landlord comply with the diligence checks under the Women's Charter. Arising from this, CEA's Practice Circular 01-20 now requires all RESs to collect and make copies of the relevant identity documents of the tenants and occupiers, which would serve as proof of the diligence checks conducted, and help facilitate subsequent investigations by the authorities, if the need arises. The RES must inform the tenants and occupiers of this before collecting information on the identity documents and making the necessary copies.

If a tenant or occupier refuses to provide the necessary identification documents for checks or for the RES to make copies, the RES should inform the landlord and record it accordingly in

the “Remarks” column of the Checklist. If there is suspicion that the property may be used for vice activities, the RES should consider submitting the information to the Police via <https://www.police.gov.sg/I-Witness>.

Estate agents and RESs are reminded to comply with Section 24 of the Personal Data Protection Act (PDPA), which states that an organisation shall protect personal data in its possession or under its control by making reasonable security arrangements to prevent unauthorised access, collection, use, disclosure, copying, modification, disposal or similar risks.