



Verification of Identity (VOI) **Guidance Query***

How do other VOI regimes interact with ARNECC's VOI obligations?

ARNECC's requirements relating to VOI and retention of evidence under the Model Participation Rules (MPR) operate independently of any other VOI regime.

Subscribers must continue to comply with the VOI requirements under the MPR, regardless of obligations that arise under any other VOI regime.

ARNECC does not prescribe how other VOI regimes should be applied.

Can customer due diligence (CDD) or know your customer (KYC) processes be relied upon to satisfy VOI obligations?

Generally, CDD or KYC processes do not automatically satisfy the VOI Standard in Schedule 8 of the MPR. However, using CDD or KYC processes may constitute the taking of reasonable steps under MPR 6.5.2(b).

Subscribers must always be satisfied that the steps taken are reasonable in the circumstances and prudent for verifying identity in conveyancing transactions.

Are Subscribers required to verify a client's identity more than once to meet all VOI regime requirements?

Compliance with the MPR requires that VOI obligations for the purposes of a conveyancing transaction are met regardless of whether this requires steps not required by any other VOI regime.

Should a Subscriber intend to follow the processes set out in a separate VOI regime to verify their client for a conveyancing transaction, they must ensure those processes meet the VOI requirements under the MPR or otherwise undertake additional steps as needed.

What are the retention requirements for VOI evidence?

Under MPR 6.6, Subscribers must retain evidence supporting an electronic Registry Instrument or other electronic Document for at least seven years from the date of Lodgement, including:

- any evidence required by the Duty Authority;
- any Client Authorisation and any evidence supporting that Client Authorisation;
- any evidence supporting a Party's right to enter into the Conveyancing Transaction;
- any evidence supporting verification of identity;
- any other evidence demonstrating compliance with Prescribed Requirements.

Subscribers are not required to retain evidence indefinitely.

After the minimum period, it is a matter for each Subscriber to determine how long to retain evidence based on their individual circumstances. Subscribers should determine an appropriate retention period having regard to:

- applicable legislative requirements (including privacy obligations);
- the circumstances of the transaction; and

- their internal business practices.

What evidence must be retained to demonstrate compliance with VOI requirements?

There is no prescribed minimum list of documents or records that must be retained.

The evidence held should be sufficient to demonstrate either:

- that the VOI Standard was followed (which requires retention of copies of identity documents sighted);
or
- what steps were taken to verify identity and why those steps were reasonable.

The appropriate evidence to be retained when a Subscriber takes reasonable steps will depend on the circumstances, and Subscribers are responsible for determining appropriate record-keeping practices to demonstrate compliance.

What happens if a compliance examination occurs after VOI evidence has been destroyed?

A Registrar may conduct a compliance examination to assess whether the MPR have been complied with.

If evidence is destroyed after the seven-year minimum retention period, this alone would not automatically constitute a breach of the MPR.

Whether a breach has occurred will depend on the specific facts and is determined by the relevant jurisdiction.

Where can further guidance be found?

Further guidance is available in ARNECC's MPR, and the MPR Guidance Notes, including guidance on VOI and retention of evidence, which can be found [here](#).

****This information provides general guidance only. Subscribers should consider their own legal and regulatory obligations, including obligations under any separate VOI regime and privacy legislation, when determining appropriate practices.***