



## **Questions and Answers on The Integrity Commission's Statutory Declaration Filing and Examination Processes**

### **1. Who is required to file a Statutory Declaration?**

According to Section 39 and 41 of the Integrity Commission Act 2017, the following categories of persons are required to file Statutory Declarations:

- Parliamentarians;
- Public Officials who earn \$3,500,000.00 and over;
- Public Officials appointed to a Gazetted position; and
- At any time, the Commission acting on the recommendation of the Director of Information and Complaints, can require any Public Official or Parliamentarian to submit a statutory declaration

### **2. When are Statutory Declarations required to be filed?**

Section 41 of the Integrity Commission Act, 2017 indicates the timelines for the filing of Statutory Declarations as follows:

#### **In the case of Parliamentarians:**

##### **a. Initial Statutory Declaration**

Due for submission at the end of the third calendar month following the date of appointment or election.

##### **b. Annual Statutory Declaration**

If an election or appointment was any time after June 30th in any year, the first annual Statutory Declaration & Information should be as at December 31 of the following year.



**Questions and Answers on  
The Integrity Commission's  
Statutory Declaration Filing and Examination Processes**

**c. Annual Statutory Declaration**

If the election or appointment is any time before June 30th in any year, the first annual Statutory Declaration & Information should be as at December 31 of that same year.

**In the case of Public Officials:**

**Initial Declaration**

Due for submission at the end of the third month after the date which a public official is in receipt of total emoluments of \$3,500,000.00.

Due for submission at the end of the third month after the date in a Gazette or letter from the Commission.

**i. PARLIAMENTARIANS AND PUBLIC OFFICIALS**

Annual Declaration period: January 1 – December 31

Statutory Declaration & Information should be as at December 31 thereafter, as long as you were a parliamentarian or public official at any point during the year.

**ii. FINAL STATUTORY DECLARATION**

Twelve (12) months after demitting office (loss of election, resignation or retirement.)



### **Questions and Answers on The Integrity Commission's Statutory Declaration Filing and Examination Processes**

#### **3. What information should be filed in a Statutory Declaration?**

Section 40 of the Integrity Commission Act 2017 indicates the information that should be included in a statutory declaration. Parliamentarians and Public Officials are required to file Statutory Declarations with information relating to:

Assets –	An item of property owned by a person regarded as having value in or outside of Jamaica. (Examples are house, car, cash, equivalent, goodwill, art work, intellectual properties)
Liabilities –	An amount owed to a supplier, bank, lender, or other provider of goods, services, or loans in or outside of Jamaica. (Examples are mortgage, credit cards etc.)
Income -	Amounts received for work, or through investments in or outside of Jamaica, profit on the sale of assets, monetary gifts etc.
Gifts -	Any parliamentarian or public official who receives a gift which exceeds in value, the amount of one hundred thousand dollars or such other amount prescribed by the Minister by order, shall declare the gift in the Item specified as Item 14 in the Third Schedule.



**Questions and Answers on  
The Integrity Commission's  
Statutory Declaration Filing and Examination Processes**

**4. When Should Initial Statutory Declarations be filed?**

According to Section 41 of the Integrity Commission Act 2017, the initial Statutory Declaration should be filed at the end of the third month after the date on which a public official is in receipt of total emoluments of \$3,500,000.00.

**5. Is it an Offence to file a Statutory Declaration late, make a false Declaration to the Integrity Commission in the filing of a Statutory Declaration, or fail to provide information to the Director of Information and Complaints? And if so, what are the penalties?**

Yes, and penalties may be imposed for various offences as outlined by Section 43 of the Integrity Commission Act 2017 as follows:

- a. Failure to provide information requested by the Director of Information and Complaints is an offence pursuant to Section 41 of the Integrity Commission Act and may result in, upon conviction in a Parish Court, to a fine not exceeding \$500,000.00 or imprisonment not exceeding six (6) months.
- b. Failure to submit a Statutory Declaration may result in, upon conviction in a Parish Court, to a fine not exceeding \$500,000.00 or imprisonment not exceeding six (6) months.
- c. Failure to submit and/or failure to meet extended deadline in a written Notice may result in an additional fine of \$20,000.00 for each month after the 30 day notice period expires until the submission is made.



**Questions and Answers on  
The Integrity Commission's  
Statutory Declaration Filing and Examination Processes**

- d. The making of a False Statements in a Statutory Declaration or Knowingly providing false information at an Inquiry may result in, upon conviction in a Parish Court to a fine not exceeding \$2,000,000.00 or a term of imprisonment not exceeding two years.

**6. What rights do I have as a Declarant upon submission of my Statutory Declaration?**

All Declarants are afforded the following Rights upon submission of their Statutory Declaration:

- a) The right to secrecy and confidentiality of all information provided to the Integrity Commission.
- b) The right to receive confirmation of the submission of Statutory Declarations submitted to the Director of Information and Complaints.
- c) The right to certification of Statutory Declaration – Upon the commencement of Examination, and where the Director of Information and Complaints is satisfied with the completeness and accuracy of your Statutory Declaration, you will receive a letter of certification for the Statutory Declaration reviewed by the Integrity Commission.



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### **7. What does the Integrity Commission expect of Declarants?**

As provided for in Section 40 (contents of declaration), Section 41 (time for making and submission of statutory declarations) and Section 42 (examination of statutory declaration) of the Integrity Commission Act, 2017, The Integrity Commission expects that Declarants will:

- a) Submit Statutory Declarations on or before the last day of the third month following the date of the declaration.
- b) Provide the Director of Information and Complaints with the information in the timeframe required, for him to determine the accuracy of Statutory Declarations.
- c) Respond to all request from the Director of Information and Complaints.

### **8. What is the purpose of the Integrity Commission's Enquiry and Examination Process?**

The Director of Information and Complaints is required to determine if a Statutory Declaration is accurate and whether there is *prima facie* evidence to suggest that there is illicit enrichment.

This process is undertaken in keeping with Sections 32(1)(a), 32(1)(b), 42(1), 42(2) and 42(4) of the Integrity Commission Act.

The Division has instituted a three (3) line defense system; General Examination, Risk Based Examination and Audit Examination. However, a hybrid approach may be employed.



**Questions and Answers on  
The Integrity Commission's  
Statutory Declaration Filing and Examination Processes**

**9. What are the steps involved in the Integrity Commission's Certification Process?**

**i. General Examination 30-45 days**

*Declarants are selected on a random basis.*

- a) Once a General Examination Process commences, the Declarant is sent a letter detailing initial findings of the review.
- b) Where required, a Declarant may be invited to sign unsigned sections or include information on supporting documents which was not included on their Statutory Declaration.
- c) Additional supporting information may be required of the Declarant (an iterative process).
- d) Limited third-party verification is conducted.
- e) A Financial Analysis is conducted to determine whether all assets and liabilities appears to be supported by legitimate income.
- f) Once the Director is satisfied, a recommendation is made to a Sub-Committee of the Commission (Information and Complaints Committee) for Certification.
- g) In the event that the Director of Information and Complaints is of the opinion that an investigation in relation to a statutory declaration is necessary, he shall refer the matter to the Commission for further and necessary action.



**Questions and Answers on  
The Integrity Commission's  
Statutory Declaration Filing and Examination Processes**

**ii. Risk Based Examination 60 - 365 days**

*Declarants are selected based on Risk Groups as follows:*

- *Political Governance;*
  - *Accountability;*
  - *Public Order; and*
  - *Revenue.*
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- a) The Declarant is invited to a Virtual Meeting to enable the Commission to outline the process and afford the Declarant an opportunity to ask questions.
  - b) Additional supporting information may be required of the Declarant (an iterative process).
  - c) A comprehensive third-party verification is conducted, which may include request for information from third states, through the Financial Investigations Division (FID).
  - d) A Financial Analysis is conducted to determine whether all assets and liabilities appears to be supported by legitimate income.
  - e) Once the Director is satisfied, a recommendation is made to a Sub-Committee of the Commission (Information and Complaints Committee) for Certification.
  - f) In the event that the Director of Information and Complaints is of the opinion that an investigation in relation to a statutory declaration is necessary, he shall refer the matter to the Commission for further and necessary action.





**Questions and Answers on  
The Integrity Commission's  
Statutory Declaration Filing and Examination Processes**

**iii. Audit Examination 60 – 365 days**

*Declarants are selected using statistical methods.*

- (a) The Declarant is invited to a Virtual Meeting to enable the Commission to outline the process and afford the Declarant an opportunity to ask questions.
- (b) Additional supporting information may be required of the Declarant (an iterative process).
- (c) A comprehensive third-party verification is conducted, which may include request for information from third states, through the Financial Investigations Division (FID).
- (d) A Financial Analysis is conducted to determine whether all assets and liabilities appears to be supported by legitimate income.
- (e) Once the Director is satisfied, a recommendation is made to a Sub-Committee of the Commission (Information and Complaints Committee) for Certification.
- (f) In the event that the Director of Information and Complaints is of the opinion that an investigation in relation to a statutory declaration is necessary, he shall refer the matter to the Commission for further and necessary action.

**10. What are the factors that may result in a delay in the examination process?**

- (a) An Examination process may be delayed if a declarant fails to provide information or request extensions; and
- (b) An Examination process may be delayed if third party information is not received in a timely manner.



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The Integrity Commission's  
Statutory Declaration Filing and Examination Processes**

**11. Does the Integrity Commission utilize current valuations for properties to determine a Declarant's net worth?**

No. Current valuation cost for properties are not used to calculate a Declarant's Net Worth. The Commission utilizes acquisition cost to determine whether a property appears to be supported by legitimate income.