



February 26, 2021

President, Alternative Investment Management Association
President, Association of Legal Professionals and Advocates
President, Blockchain Association of the Cayman Islands
President, Cayman Islands Association of Financial Advisors
President, Cayman Islands Compliance Association Ltd.
Chief Executive Officer, Cayman Finance
President, Cayman Islands Fund Administrators Association
President, CFA Society Cayman Islands
Chief Executive Officer, Cayman Islands Institute of Professional Accountants
President, Cayman International Reinsurance Companies Association
President, Cayman Islands Insurance Association
President, Cayman Islands Legal Practitioners Association
President, Insurance Managers Association of Cayman
President, Recovery and Insolvency Specialists (Cayman) Association
President, Society of Trust and Estate Practitioners (Cayman Islands)

Dear Heads of Private Sector Associations:

Re: Private Sector Consultation Paper: Rules and Statement of Guidance on the Minimum Criteria for Physical Presence for Licensees Providing Business of Company Management and Trust Business; and Nature, Accessibility, and Retention of Records for Trust Service Providers and Corporate Service Providers

The Cayman Islands Monetary Authority ("the Authority") forwards herewith for comments the proposed:

- 1) Rules and Statement of Guidance - Minimum Criteria for Physical Presence for Licensees Providing Business of Company Management and Trust Business** (Appendix 1); and
- 2) Rules and Statement of Guidance - Nature, Accessibility, and Retention of Records for Trust Service Providers and Corporate Service Providers** (Appendix 2)

Private Sector Consultation Papers ("PSCP") are being forwarded along with the proposed measures to provide the relevant Associations with the consultation documents as required by the Monetary Authority Act (2020 Revision). Please refer to the PSCPs for further details on the Background, Purpose and Rationale of the Measure, and Significant Costs and Benefits.

If your association has comments, please forward consolidated responses on its behalf for each measure by 1700hrs on Friday, **March 26, 2021**.

Before proceeding with the proposed measures, the Authority shall have regard to any representations made by the private sector associations only. Feedback submitted by individuals,

entities, or other bodies, unless acting on behalf of private sector associations, will not be accepted by the Authority. Representations from private sector associations must be submitted as a consolidated document, and a listing of the entities which provided feedback should be included. Private sector associations should ensure that conflicting positions are resolved prior to submission to the Authority. Where positions conflict within or across associations, the Authority will consider all available information in taking a decision, which will be at its sole discretion.

To ensure that all responses are given due consideration, it is important that private sector associations make clear reference to the sections of the measures being commented on, and that responses are unambiguous, clearly articulated and based on fact. The consultation process is not designed to address complaints or grievances. Feedback of this nature should be submitted through the established complaints process.

In cases where the feedback proposes to change a policy position of the Authority or substantially amend any requirement of the draft measure, information to support the position of the association must be provided. The table below provides an example of the Authority’s expectation with regard to feedback for the proposed Rules and Statements of Guidance.

Reference	Example of a Helpful Comment	Examples of Comments needing more Support
Rule 4.2 ¹	<p>In Rule 4.2 the current text omits the fair value measurement of liabilities. Also, as defined it is not asymmetrical with the Market Price definition and thus scenarios exists that fall into neither category.</p> <p><u>Suggested wording:</u> <i>Hard-to-Value Securities means an asset or liability for which there is no Market Price which is required to be measured at fair value pursuant to 5.2</i></p>	<ul style="list-style-type: none"> × This is not what is done in other jurisdictions. × I don’t think we should do this. × CIMA is not considering the position of the experts.

The consultation documents will be posted to the Authority’s website at www.cima.ky.

We look forward to your responses. If you have any queries please contact Rayford Britton, Head of the Policy and Development Division at RayfordBritton@cima.ky.

Sincerely,



Cindy Scotland
 Managing Director

¹ This example is not reflective of the content of the proposed measure.