

UNCLAIMED FINANCIAL ASSETS POLICY

March 2025

1. Introduction

This policy governs the services offered by **INGOT KE Ltd.**, a registered non-dealing foreign exchange broker, under the regulations of the Capital Markets Authority (CMA) Kenya, holding license number “173.” **Our** registered address is Unit C, 4th Floor, Delta Chambers, Westlands, Nairobi, Kenya (referred to hereinafter as the “**Company**,” “**Our**,” or “**We**”), and **We** comply with all applicable regulatory requirements.

This **Unclaimed Financial Assets Policy** (“**Policy**”) outlines the **Company**’s approach to the **Unclaimed Financial Assets Act, 2011** (“**UFA Act**”) in Kenya, including any subsequent amendment or restatement thereto. It sets forth the processes for identifying, managing, reporting, and remitting **Unclaimed Financial Assets** to the **Unclaimed Financial Assets Authority** (“**UFAA**”) while ensuring continuous internal assessments and compliance with regulatory obligations.

2. Objective

The objectives of this Policy are to:

- i. Ensure compliance with the **UFA Act, 2011**, and related regulations.
- ii. Establish clear internal processes to identify, notify, and manage **Unclaimed Financial Assets**.
- iii. Provide a structured record-keeping approach and periodic reporting to the **UFAA**.
- iv. Minimize the risk of non-compliance through continuous review and assessment.
- v. Protect Clients' and IBs' financial interests by proactively engaging with them before asset remittance.

3. Definition

Unclaimed Financial Assets include, but are not limited to:

- i.** Client or IB account balances that have been dormant for a period exceeding three (3) years.
- ii.** Unclaimed clients or IBs' withdrawals, refunds, and credits.
- iii.** Unclaimed bonuses or promotional funds due to inactivity that remain unexpired.

4. Conditions of “Presumed Abandoned” Assets

If any of the below conditions for assets are met, then such assets may be deemed “**presumed abandoned**”.

i. Clients' and IBs' Account Balances & Deposits

- **This applies to clients and IBs' deposits in their accounts.**
- **It might be “presumed abandoned” if:**
 - a.** There has been no activity for five years (e.g., no deposit, withdrawal, or login to the account).
 - b.** The clients or IBs have not communicated in writing.
 - c.** The clients or IBs have not shown any interest in the account (e.g., by trading or checking balances).

ii. Uncashed Withdrawals and IB Payments

- **This applies to any withdrawals or IB commission payments processed via cheque or payment order.**
- **It might be “presumed abandoned” if:**
 - a.** The cheque remains uncashed for more than two years after issuance.
 - b.** The clients or IBs have not contacted the US or the relevant bank regarding the cheque within that period.

iii. Inactive Trading Accounts

- **This applies to clients' and IBs' funds held for trading purposes.**
- **It might be “presumed abandoned” if:**
 - a.** The account holder has not accessed, withdrawn, or deposited funds within two years.
 - b.** The account holder has not communicated or shown any interest in their account.

iv. Unpaid Rebates, Commissions, or Bonuses

- This applies to rebates, referral commissions, or bonus payments owed to clients or IBs.
- It might be “presumed abandoned” if:
 - a. A rebate, commission, or bonus owed remains unclaimed for more than one year.

v. Court-Frozen Funds

- This applies to clients’ and IBs’ frozen funds due to a court order.
- It’s “presumed abandoned” if:
 - a. The account holder does not claim the funds within five years after the case is resolved.

vi. Unclaimed Refunds

- This applies to refunds owed to clients or IBs (e.g., incorrect charges, duplicate deposits, and negative balance corrections).
- It might be “presumed abandoned” if:
 - a. The refund remains unclaimed for more than two years after **We** notify the account holder.

5. Identifying Unclaimed Assets

A “presumed abandoned” asset is identified as an **Unclaimed Asset** if one or more of the following requirements are met:

- i. No account holder details: the **Company** does not know who owns the asset because there are no clear records of the account holder, such as improper identification or no longer valid documentation.
- ii. Invalid or inapplicable contact details: the **Company** cannot contact the owner due to invalid or inapplicable contact details.
- iii. The account holder's last address is in a foreign country with no **Unclaimed Asset** laws, as the last recorded address would be in a country that does not provide for the escheat by law.

6. Notification & Due Diligence

The **Company** will make reasonable efforts to locate and notify clients or IBs before their assets are deemed **Unclaimed Assets**.

- i. Communication efforts will include email notifications and phone calls to the client's last known contact details.
- ii. Clients will be given a reasonable timeframe to claim their funds before they are classified as **Unclaimed Financial Assets**, as per Section 4 hereinabove.

7. Reporting & Remittance to UFAA

- i. The **Company** will conduct periodic reviews, **at least quarterly**, of clients' and IBs' accounts and financial records to identify presumed abandoned and **Unclaimed Assets**.
- ii. Upon identifying presumed abandoned, the **Company** will make reasonable efforts to contact the rightful owners using available contact details.
- iii. "Presumed abandoned" assets will be flagged and reported to the **UFAA**. The report will be certified by the **Company's CEO** and shall include all the following:
 - a. The name, if known, and last known address, if any, of each person appearing from the holder's records to be the owner of "presumed abandoned" assets.
 - b. The beneficiary's full name and last known address according to the records, if applicable.
 - c. A description of the assets, nature, and amounts owing to the holder.
 - d. The dates the assets became payable, demandable, or returnable, and the date of the last transaction with the apparent owner concerning the assets.
 - e. Any other information the **UFAA** may require.
- iv. The **Company** shall report to the **UFAA** the "presumed abandoned" assets **by November 1st** of each year, covering the **12-month period** that ended on **June 30th** of that same year. Extension up to 60 days is permissible if an estimated payment is paid on or before the deadline for the twelve months ending immediately preceding June 30th.
- v. Within 60 days to one year of that report, the **Company** shall inform the apparent owner/account holder to the last known address, informing them that **We** are in possession of such assets and they are subject to the **UFA Act**. They will be given **90 days to claim** or reactivate their accounts before the assets are classified as **Unclaimed Assets**.
- vi. Notification to the clients and IBs will be issued via email and phone, as applicable.
- vii. If that timeframe passes without claim, the **Company** will remit all **Unclaimed Assets** to the custody of the **UFAA**, provided that any fees or charges are deducted where it explicitly stated that applies.

- viii.** Affected clients or IBs can claim their assets from the **UFAA** as per the procedures established by the **UFAA**.

8. Recordkeeping and Audit Trails

- i.** The **Company** will maintain comprehensive records of all **Unclaimed Financial Assets**, including:
- a.** Account details and asset type.
 - b.** Communication attempts with asset owners.
 - c.** Reports and remittance records submitted to **UFAA**.
 - d.** Next of kin information that the client may provide during onboarding. The nominated next of kin shall not have any rights, authority, or entitlement over the client's account or funds therein. In the event of the client's demise, any access to or distribution of the funds shall strictly follow the legal succession process as prescribed under the Law of Succession Act (Cap. 160) and other applicable laws.
- ii.** After assets become reportable, these records will be retained for a minimum period of 10 years for compliance verification.

9. Enforcement and Sanctions

Non-compliance with this Policy may result in regulatory consequences as prescribed by the **UFAA** and any other applicable laws. Internal disciplinary measures may also be applied where necessary to uphold compliance.

*This Policy is effective as of [24 March 2025] and shall remain in force until revised or revoked by the **Company**.*