



Bulletin 2023/3

FATCA Tax Identification Numbers (TINs) & IRS Notice 2023-11

This Bulletin is issued under the provisions of Regulation 10 of The Income Tax (Approved International Agreements) (Implementation) (United Kingdom and United States of America) Regulations, 2014 (“the FATCA Regulations”).

The purpose of this Bulletin is to inform Financial Institutions of changes being introduced regarding FATCA TIN reporting obligations and an update on determinations of significant non-compliance by the IRS where there is a failure to report U.S. TINs for pre-existing accounts.

Obtaining U.S. TINs

Under the terms of the Intergovernmental Agreement between the Government of the United States of America and the Government of the States of Guernsey to implement FATCA and the aforementioned FATCA Regulations, Guernsey Financial Institutions are required to obtain and report the U.S. taxpayer identification number (“TIN”) for each specified U.S. person that is an account holder or a controlling person of a non U.S. entity.

New Accounts & Controlling Persons

Guernsey Financial Institutions have been obliged under the FATCA Regulations to obtain a self-certification from the account holder as part of the on-boarding process and consequently obtain a valid U.S. TIN for the account holder and/or controlling persons.

Pre-Existing Accounts

In respect of pre-existing accounts Guernsey Financial Institutions have been required under the FATCA Regulations to obtain and report a valid U.S. TIN from 1 January 2017.

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[Bulletin 2021/3](#) informed Guernsey Financial Institutions that the IRS had developed a series of codes that could be used by Financial Institutions to populate the TIN data field, where a valid TIN had not been obtained. Whilst the Guernsey Revenue Service strongly advised the use of these 2021 IRS TIN codes, it was not mandatory and FATCA reports could still be submitted using the prior code of nine capital A’s (AAAAAAAAA) for 2021 FATCA reports.

IRS Notice 2023-11

IRS Notice 2023-11 was issued on 30 December 2022 ([link below](#)). The Notice is intended to provide FATCA reporting relief to Model 1 Foreign Financial Institutions “FFIs” (which includes Guernsey Financial Institutions) who have been unable to obtain U.S. TINs for their pre-existing accounts that are U.S. reportable accounts; as part of the relief, the FFIs will also provide information that the IRS can analyse to determine why these TINs are missing.

[Notice 2023-11](#)

Following the issue of Notice 2023-11 which provides reporting relief to Model 1 FFIs who have been unable to obtain U.S. TINs for their pre-existing accounts that are U.S. reportable accounts if they follow the procedures in that Notice. As a result of the Notice, the IRS has updated a series of TIN codes. Reporting for calendar year 2022 is considered to be a transition year, and to be eligible for relief Model 1 FFIs must either use the TIN codes issued in May 2021 or the 2023 updated TIN codes. For reporting on calendar years 2023 and 2024, a reporting Model 1 FFI must use the 2023 updated codes that identify features of these accounts that may explain why the reporting Model 1 FFI cannot report a U.S. TIN. The use of these codes will allow the IRS to better understand the facts and circumstances behind the missing U.S. TINs. The updated TIN field code and related scenarios were released by the IRS as an FAQ. You can find the respective IRS FATCA FAQ (link below) at question 6 under “Reporting”:

[FATCA – FAQs](#)

Appendix A in this Bulletin – details the IRS TIN codes issued in May 2021

Appendix B in this Bulletin – details the IRS updated TIN codes issued in 2023

To reiterate, whilst a high level summary of these IRS publications is provided within this Bulletin, the above IRS communications (Notice 2023-11 and FATCA – FAQs) should be read in their entirety.

IGOR TIN Validation Update

IGOR has been updated to accept these new 2023 IRS TIN codes for reporting on calendar year 2022 and onwards.

IGOR has been updated to reject the use of the 2017 IRS TIN code of nine capital A’s (previously accepted for prior FATCA reporting periods under IRS Notice 2017-46), for reporting on calendar year 2022 and onwards.

Relief Conditions for Pre-Existing Accounts

In accordance with Notice 2023-11, for reporting on calendar years 2022, 2023, and 2024, the U.S. Competent Authority will not determine that there is significant non-compliance with the obligations of a reporting Model 1 FFI under an applicable Model 1 IGA (which includes Guernsey Financial Institutions) with respect to reporting required U.S. TINs for pre-existing accounts solely because of a failure to obtain and report each required U.S. TIN for such accounts, provided that the conditions detailed in section 3.03 and 3.04 of Notice 2023-11 are satisfied.

A Model 1 FFI will be eligible for relief, if for each U.S. account (including new accounts) with a missing U.S. TIN, the reporting Model 1 FFI:

- (1) obtains and reports the date of birth of each account holder that is an individual and controlling person whose U.S. TIN is not reported,
- (2) starting in calendar year 2023, annually requests from each account holder any missing required U.S. TIN,
- (3) starting in calendar year 2023, annually searches electronically searchable data maintained by the reporting Model 1 FFI for any missing required U.S. TINs; and
- (4) reports an accurate TIN Code for each account that is missing a required U.S. TIN.

As specified in Section 3.04 of IRS Notice 2023-11, to satisfy the requirement to make an annual request from each account holder for missing required U.S. TINs, reporting Model 1 FFIs must use the method of communication that is, in the FFI's reasonable judgement, most likely to reach the account holder. In addition, the communication must include either of the following:-

- (A1) The web address of the State Department's Joint FATCA FAQs (which provide information about how to obtain a U.S. TIN and how to renounce U.S. citizenship); or
- (A2) A copy of the FAQs described in the preceding bullet point (directly above) and either:-
 - a. a copy of the relief procedures provided by the IRS for certain former citizens, or
 - b. the web address for such procedures.

It is important to note that the relief available under Notice 2023-11 is limited to reporting on pre-existing accounts. It does not apply to new accounts or new accounts opened by pre-existing account holders (where a valid U.S. TIN is required to be obtained upon account opening).

Record Keeping & Compliance Enquiries

An FFI must retain records of the policies and procedures adopted to comply with Notice 2023-11 through until the end of calendar year 2028.

Following the submission of FATCA 2022 data, any accounts identified by the Guernsey Revenue Service as having been reported using an invalid IRS U.S. TIN will receive a compliance enquiry from the Guernsey Revenue Service.

FATCA Compliance Assurance Statement

The IGOR FATCA Compliance Assurance Statement confirms that the TIN format is consistent and in compliance with this Bulletin, for 2022 reporting onwards.

Further Information

If you require further information regarding this Bulletin, please forward a message via the IGOR message facility or an email to AEOI@gov.gg

Abbreviations used in this Bulletin

- FATCA - Foreign Account Tax Compliance Act
- FFI - Foreign Financial Institution
- IGOR - International Gateway Online Reporter System.
- TIN - Tax Identification Number

N Garland

Head of Policy (Deputy Director)

2 March 2023

Appendix A
IRS 2021 TIN codes

TIN Field Codes & Purpose

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- Pre-existing individual account where the only U.S. indicia is a U.S. place of birth.

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- New individual account that have indicia indicating a U.S. place of birth, **and** either:
 - has had a change in circumstances causing the self-certification originally obtained at account opening to be incorrect or unreliable, and a new self-certification has not been obtained, or
 - was below the threshold for documenting and reporting the account at the time of account opening and subsequently exceeded the threshold, and a self-certification has not been obtained.

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- Pre-existing individual and entity account that have U.S. indicia other than a U.S. place of birth **and** either:
 - has had a change in circumstances, causing the self-certification or other documentation originally obtained to be incorrect or unreliable, and a new self-certification or other documentation has not been obtained, or
 - was below the threshold for documenting and reporting the account at the time of account opening and subsequently exceeded the threshold, and a self-certification or other documentation has not been obtained.

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- New individual and entity account that has a U.S. indicia other than a U.S. place of birth, **and** either:
 - has had a change in circumstances causing the self-certification or other documentation originally obtained to be incorrect or unreliable, and a new self-certification or other documentation has not been obtained, or
 - was below the threshold for documenting and reporting the account at the time of account opening and subsequently exceeded the threshold, and a self-certification or other documentation has not been obtained.

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- Pre-existing entity account with account balance exceeding \$1,000,000 held by a passive NFFE with respect to which no self-certifications have not been obtained, and no U.S. indicia have been identified in relation to its controlling persons.

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- For pre-existing accounts where there is no TIN available and the account has been dormant or inactive, but remains above the reporting threshold, also known as a “dormant account”. For reference, the U.S. defines “dormant account” in U.S. Treasury Regulations §1.1471-4(d)(6)(ii).

Appendix B

IRS 2023 updated TIN codes

TIN Field Codes & Purpose

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- Pre-existing individual account where the only U.S. indicia is a U.S. place of birth, other than an account reported under code 000222111. This code takes precedence if any other code (other than 000222111) could also be applicable.

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- Pre-existing depository individual account with only U.S. indicia being a U.S. place of birth. Additionally, FFI must determine that the account holder is a resident of the jurisdiction where the account is maintained for AML and tax purposes. For reference, “depository account” has the meaning defined in the applicable Model 1 Intergovernmental Agreement (Model 1 IGA). This code takes precedence if any other code could also be applicable.

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- New individual account that:-
 - have indicia indicating a U.S. place of birth, **and** either:
 - has had a change in circumstances causing the self-certification originally obtained at account opening to be incorrect or unreliable, and a new self-certification has not been obtained, or
 - was below the threshold for documenting and reporting the account at the time of account opening and subsequently exceeded the threshold, and a self-certification has not been obtained.

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- Pre-existing individual and entity account that:-
 - have U.S. indicia other than a U.S. place of birth **and** either:
 - has had a change in circumstances, causing the self-certification or other documentation originally obtained to be incorrect or unreliable, and a new self-certification or other documentation has not been obtained, or
 - was below the threshold for documenting and reporting the account at the time of account opening and subsequently exceeded the threshold, and a self-certification or other documentation has not been obtained.

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- New individual and entity account that:-
 - has a U.S. indicia other than a U.S. place of birth, **and** either:
 - has had a change in circumstances causing the self-certification or other documentation originally obtained to be incorrect or unreliable, and a new self-certification or other documentation has not been obtained, or
 - was below the threshold for documenting and reporting the account at the time of account opening and subsequently exceeded the threshold, and a self-certification or other documentation has not been obtained.

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- Pre-existing entity account held by a passive NFFE with one or more controlling persons with respect to which self-certifications have not been obtained, and no U.S. indicia have been identified in relation to any controlling persons.

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- Dormant Accounts – For pre-existing accounts where there is no TIN available and the account has been dormant or inactive, but remains above the reporting threshold, also known as a “dormant account.” A “dormant account” is one that meets the definition set out in U.S. Treasury Regulations §1.1471-4(d)(6)(ii) and had had no financial activity for three years, except for the posting of interest. If an account could be classified into multiple TIN codes, the other code takes precedence.

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- Any account for which the FFI cannot obtain a TIN and none of the other TIN codes would be applicable. The use of this code indicates that an FFI has completed its review of accounts without U.S. TINs and has in good faith applied TIN codes to records when applicable.

Ends.