



Internal Compliance Program – Series (24) – Record-keeping

Today, in the hands-on practical advice series on Internal Compliance Programs for Export Control:

Part 24: Record-keeping

In the ICP drafting process, you are now leaving the chapter dedicated to the transaction risk. The next chapter you should approach is the one focusing on record-keeping and documentation.

This section has the following objectives:

- identify who will keep the records;
- specifically list the records that are to be maintained and in what format;
- detail the filing and retrieval systems and procedures;
- clarify the records retention period; and
- determine methods to verify compliance with the record-keeping requirements.

Start by explaining legal requirements and penalties in case of violation of these requirements.

From Export-related documents from all phases of the application process should be retained in accordance with these legal requirements. These may certainly vary from country to country. What stays is the obligation to accurately document at all stages of a project the individual steps involved in any checks. In this regard, the documentation shall also specify who manages the licences that are awarded.

From an operational point of view, all records have to be accessible to the competent authorities. Some of them allow to provide the records electronically. In some cases, an on-site visit will be necessary if access to the secure intranet is required; in other cases, records can also be sent for remote checks. Records may also be made available in hard copy and, where applicable, as scanned documents. Your ICP should elaborate on this requirement.

If your company deems that an application does not need to be submitted to licensing authorities, this conclusion is also documented carefully.

Do not forget to speak about record-keeping of foreign-national visitors at your facilities. This record-keeping should document all foreign-national visits and any special conditions attached to the visits. The record shall indicate:

- the visitor's name and nationality;
- the name and affiliation of the organization represented;
- the date of the visit;
- persons visited;
- purpose of the visit with specific emphasis on products or services discussed; and
- a summary of the visit, including any issues or circumstances of note.

Your company should also develop and implement a system to document all conversations with government and/or public administration officials involving potentially relevant interpretations or other guidance on export control issues. These records should provide continuity in performing future export compliance functions, and assist the company in defending its actions if necessary. Copies of all such records should be provided to and maintained by export-compliance personnel. Your ICP should also provide details of this documentation requirement.

