

Don't Be A Victim Of Identity Fraud!

by Selva Veeriah, Advocate & Solicitor
Vazeer Akbar Majid & Co

What is identity fraud?

Identity fraud is when someone impersonates someone else in order to secure a benefit. Usually, the impostor unlawfully obtains personal identifiable information belonging to an innocent party and uses it to open bank account, apply for credit card, assert ownership over property, or obtain goods or services.

How does identity fraud affect the legal profession?

Lawyers often fall victim when witnessing documents for non-clients and in conveyancing transactions where they act for the purchaser and the impostor is usually the vendor. This sometimes leaves lawyers exposed to allegations that they had been negligent in verifying identity.

How is a person's identity verified?

Presently, the identity of a person is verified by sighting a primary identifier (e.g. National Registration Identity Card (NRIC) or passport) that contains personal information of the person whose identity is being verified. No other document is requested or needed.

What are the risks in relying solely on a primary identifier?

In most cases, an impostor only has to produce a forged NRIC or passport in order to establish false identity.

What can be done to reduce the risks?

There is a need to cross check personal information on the NRIC or passport against other documents that contain similar personal information, for example, a driver's licence or bank statement. This will make it difficult for the impostor to perpetrate the fraud and increase the likelihood of detection. To this end, a 100-point identity check is set out on the next page.¹

This Checklist is intended to assist lawyers or their staff in verifying identity of clients and non-clients in the course of their work.

1 This Checklist was adapted from the Australian Financial Transaction Reports Act 1988

To successfully complete the process, the person whose identity is being verified will need to provide sufficient documentation to be awarded 100 points, and allow the person undertaking the verification to confirm the personal information required under sections A and B.

How to complete this Checklist:

- Record the points scored for the checks carried out
- Total the points scored
- Take copies of the documents sighted
- Indicate if verification has or has not been achieved

100-Point Identity Check

A. Primary Document

Person being identified MUST produce ONE of the following original documents to verify:
1. NAME 2. PHOTOGRAPH 3. NUMBER (i.e. NRIC Number/Passport Number)

50 points

- | | | |
|---|--|--|
| ① | Malaysian Citizen (above 12 years): National Registration Identity Card | |
| ② | Malaysian Permanent Resident (above 12 years): National Registration Identity Card | |
| ③ | Malaysian Citizen (below 12 years): Birth Certificate | |
| ④ | Malaysian Permanent Resident (below 12 years): Birth Certificate
(Note: For A3 and A4, no photograph is required) | |
| ⑤ | Foreign Citizen: Passport or Diplomatic Travel Document or Refugee Travel Document
(Note: A marriage certificate must be produced if a woman wishes to use her maiden name that does not appear on the above documents) | |

B. Secondary Document

The person being identified MUST produce TWO OR MORE of the following original documents to verify
1. NAME 2. SIGNATURE 3. CURRENT RESIDENTIAL ADDRESS
(Note: It does not matter if the information on the documents overlap or how many documents are produced.
At least two documents must collectively verify name, signature, and current residential address)

25 points

- | | | |
|---|---|--|
| ① | Land Title Documents [Issued by the Land Office or Registry] | |
| ② | Utility Bills [A Telephone, Water, Sewerage, or Electricity bill issued in the last three months] | |
| ③ | Rates/Notices [Issued by Council or Municipality] | |
| ④ | Motor Vehicle Registration [Issued by Local or Foreign Government] | |
| ⑤ | Licence or Permit [Issued by the State, Federal, or Foreign Government] | |
| ⑥ | Bank Card or Deposit Book or *Bank Statement [*Issued by a Financial Institution in the last three months] | |
| ⑦ | Credit Card or *Credit Card Statement
[*Issued by a Financial Institution or Credit Card Corporation in the last three months] | |
| ⑧ | Lease or Rent Agreement [With the Landlord or Estate Agent] | |
| ⑨ | Insurance Documents [Issued by an Insurer] | |
| ⑩ | Professional or Trade Membership [Issued by a Professional Body or Trade Association] | |
| ⑪ | Employee Identification Card [Issued by Private or Public Sector] | |
| ⑫ | Membership Card [Issued by a Registered Club or Association] | |
| ⑬ | Pension Card [Issued by the State or Federal Government] | |
| ⑭ | Student Card [Issued by an Education Institution] | |

C. Verification

Total points

Signed _____
Name Date

Verified: Yes / No