

Foreign Interference (Countermeasures) Act Reporting Requirements Information Kit

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Foreign Interference (Countermeasures) Act Reporting Requirements Information Kit

Introduction

The Foreign Interference (Countermeasures) Act (FICA) was introduced to strengthen our ability to prevent, detect and disrupt foreign interference in our domestic politics conducted through (i) hostile information campaigns (HICs) and (ii) the use of local proxies. Among other things, FICA introduces certain obligations on organisations and individuals known as Politically Significant Persons (PSPs), who are involved in Singapore's domestic politics.

Politically Significant Persons (PSPs)

PSPs can be individuals or organisations. PSPs are either defined in legislation, or designated by the competent authority to be PSPs.

a. Defined PSPs

The following individuals and organisations, which are directly involved in Singapore's political processes, are defined as PSPs:

- Political parties
- Political office holders (POHs)
- Members of Parliament (MPs), including Non-Constituency MPs and Nominated MPs
- Central Executive Committee (CEC) members of political parties
- Election candidates and their election agents

b. Designated PSPs

A competent authority (appointed by the Minister for Home Affairs) can designate individuals and organisations as PSPs if their activities are directed towards a political end in Singapore, and the competent authority assesses that it is in the public interest that countermeasures be applied. Individuals who are members of foreign legislatures or foreign political organisations may also be designated as PSPs if the competent authority assesses that it is in the public interest that countermeasures be applied.

Competent Authorities

a. Registry of Foreign and Political Disclosures, Ministry of Home Affairs

The Competent Authority for all FICA-PSP matters, except with respect to election candidates and election agents, is the Registrar of Foreign and Political Disclosures, Ministry of Home Affairs (MHA). The Registrar administers the reporting requirements under FICA for PSPs, except for election candidates and election agents. The Registrar is empowered under the Act to designate individuals and organisations as PSPs if their activities are directed towards a political end, and it is in the public interest that countermeasures be applied.

The Registrar is supported by the Registry of Foreign and Political Disclosures (RFPD), which is part of the Ministry of Home Affairs.

b. Registry of Political Donations, Elections Department

The Registrar of Political Donations is the competent authority that administers the reporting requirements under FICA for election candidates and election agents during Presidential or Parliamentary elections.

The Registrar is supported by the Registry of Political Donations, which is part of the Elections Department.

Countermeasures and Stepped-up countermeasures

PSPs are subject to countermeasures covering the following vectors of foreign influence – donations, volunteers, leadership, membership, and affiliations.

If there are increased risks of foreign interference, the competent authority can issue stepped-up countermeasures.

These measures came into force on 29 Dec 2023, and replace measures previously existing under the Political Donations Act 2000 (PDA).

Defined PSP (Organisation)

	Donations (Including volunteers)	Affiliations	Leadership	Membership
Political Parties	Baseline countermeasures <ul style="list-style-type: none"> No political donations from impermissible donors No foreign volunteers Anonymous donations cap of \$5,000 Disclosure of reportable political donations Maintenance of political donations fund Disclosure by major political donors 	Baseline countermeasure <ul style="list-style-type: none"> Disclosure of foreign affiliations 	Baseline countermeasure <ul style="list-style-type: none"> No foreigners in leadership (requirement under the Societies Act) 	Baseline countermeasure <ul style="list-style-type: none"> No foreigners in membership (requirement under the Societies Act)
			Stepped-up Countermeasure <ul style="list-style-type: none"> Directive to end affiliation with foreign principal 	

Defined PSP (Individual)

	Donations (Including volunteers)	Affiliations
Political Office Holders Members of Parliament (MPs), including NCMPs and NMPs	Baseline countermeasures <ul style="list-style-type: none"> No political donations from impermissible donors 	Baseline countermeasures <ul style="list-style-type: none"> Disclosure of foreign affiliation

	Donations (Including volunteers)	Affiliations
Central Executive Committee (CEC) members of political parties Election Candidates & Election Agents	<ul style="list-style-type: none"> • No foreign volunteers¹ • Anonymous donations cap of \$5,000 • Disclosure of reportable political donations • Maintenance of political donations fund 	<ul style="list-style-type: none"> • Disclosure of migration benefits
		Stepped-up Countermeasure <ul style="list-style-type: none"> • Directive to end affiliation with foreign principal

Designated PSP (Organisation/ Individual)

	Donations (Including volunteers)	Affiliations	Leadership	Membership
Designated organisations and individuals	Baseline countermeasure <ul style="list-style-type: none"> • Disclosure of reportable political donations 	Baseline countermeasures <ul style="list-style-type: none"> • Disclosure of foreign affiliations • Disclosure of migration benefits – <i>For individuals only</i> 		
	Stepped-up Countermeasures <ul style="list-style-type: none"> • Prohibited donor directive • Anonymous donations directive • Directive to maintain political donations fund • Directive affecting major donors • Declaration of foreign volunteers • Directive prohibiting 	Stepped-up Countermeasure <ul style="list-style-type: none"> • Directive to end affiliation with foreign principal 	Stepped-up Countermeasure <ul style="list-style-type: none"> • Directive prohibiting foreign responsible officer – <i>For organisations only</i> 	Stepped-up Countermeasure <ul style="list-style-type: none"> • Directive prohibiting foreign membership – <i>For organisations only</i>

¹ This prohibition on foreign volunteers does not apply to individuals who are PSPs only because they are CEC members of political parties.

	Donations (Including volunteers)	Affiliations	Leadership	Membership
	foreign volunteers			

Think Centre and MARUAH

Think Centre and MARUAH are currently gazetted as political associations under the PDA. From 29 December 2023, as set out in section 127(1) of FICA, they will be designated as PSPs, and subjected to stepped-up countermeasures on political donations. This ports over their existing obligations under the PDA, and subjects them to new requirements to maintain a separate bank account for political donations and disclose foreign affiliations.

Annual Donation Report and Foreign Affiliations Report

The following groups of people/organisations are required to submit annual donation reports and/or foreign affiliations reports to the Registrar of Foreign and Political Disclosures:

- a. Defined PSP (Organisation);
- b. Defined PSP (Individual);
- c. Designated PSP (Organisation);
- d. Designated PSP (Individual); and
- e. Major Political Donors² (Organisation / Individual)

Submission-related Information

Reporting platform - RDS

All reports and declarations are to be submitted through the Registry of Foreign and Political Disclosures System (RDS): <https://eservices2.mha.gov.sg/rds>

Submission Timeline

All PSPs (excluding election candidates and election agents)³ are required to submit yearly donation reports and foreign affiliations reports to the Registrar of Foreign and Political Disclosures.

The first submission must be completed by 31st January 2025, for the reporting period from 29th December 2023 to 31st December 2024. Thereafter, donation reports and foreign affiliations reports must be submitted by 31st January of each year for reportable political donations and foreign affiliations in the preceding calendar year.

² Major Political Donors refer to donors (who are not PSPs) who have made single or multiple political donations with an aggregate value of S\$10,000 or more, to a political party or to a designated PSP given a prohibited donor directive or major donor directive, within a calendar year. These major political donors must submit a Major Political Donor's Donation Report to the Registrar of Foreign and Political Disclosures.

³ Election candidates and election agents can refer to ELD's website for more information (<https://www.eld.gov.sg/registry.html>)

Disclosures to be made

- (A) Foreign Affiliations
- (B) Migration Benefits – *For individuals only*
- (C) Reportable Political Donations
- (D) Donations by Major Political Donors

(A) *Foreign Affiliations*

All PSPs (excluding election candidates and election agents) must disclose to the Registrar of Foreign and Political Disclosures all reportable arrangements which took place at any time during the preceding calendar year.

A reportable arrangement (as defined in section 78 of FICA) refers to an arrangement which a PSP enters into or has with a foreign principal; and under which:

- (i) the PSP undertakes an activity on behalf of the foreign principal, even if the activity is not directed towards a political end in Singapore;
- (ii) the PSP is accustomed or under an obligation to engage in conduct in accordance with the directions, instructions or wishes of the foreign principal, even if the act is not directed towards a political end in Singapore;
- (iii) the PSP is a member of the foreign principal, even if the membership is not directed towards a political end in Singapore; or
- (iv) the PSP has a direct association or immediate affiliation with the foreign principal, even if it is not directed towards a political end in Singapore.

A PSP's arrangement with a foreign principal is reportable even if the PSP undertakes an activity on behalf of the foreign principal only once, or even if no activity is undertaken under the arrangement entered into by the PSP with the foreign principal.

Examples

Considered as reportable arrangements:

- Being an employee of a foreign business⁴
- Membership of a foreign organisation, e.g. Asia Video Industry Association, Pacific Asia Travel Association, Climate Action Network.

Not considered as a reportable arrangement:

- Marriage to a foreigner
- Being co-workers with a foreigner, without undertaking any activities on behalf of the foreigner
- Personal friendship with a foreigner
- Attendance at another country's state ceremony/ event on ad-hoc invitation

(B) *Migration Benefits – For individuals only*

For PSPs who are individuals (i.e. election candidates, election agents, POHs, MPs, CEC members of political parties, and designated PSPs who are individuals), reportable arrangements include migration benefits granted by or on behalf of a foreign government.

⁴ A foreign business (as defined in section 4 of FICA) is an entity that (i) is constituted or organised under a law of a foreign country, even if registered under any local written law; or (ii) has its principal place of business in a foreign country, even if incorporated under any local written law. It does not include a foreign government, foreign public enterprise, or foreign political organisation.

A migration benefit (as defined in section 78 of FICA) means any of the following that is or may be granted by or on behalf of a foreign government to an individual who is not a citizen of the foreign country of that foreign government:

- a) an honorary citizenship in that foreign country;
- b) a document of identity issued for travel purposes (whether or not also issued for another purpose), including a passport;
- c) an entitlement, privilege or status in order to work or reside in that foreign country on a permanent basis (e.g. permanent residency);
- d) an entitlement, privilege or status in order to work or reside in that foreign country for a period of one year or longer.

Examples

Considered as a migration benefit:

- Honorary citizenship
- Foreign passport (unless issued by one's own country)
- Permanent residency
- Schemes that function like permanent residency, e.g. India's Overseas Citizen of India (OCI)
- Work permit for duration of one year or longer

Not considered as a migration benefit:

- Visa for short-term visit to a country
- Work permit for duration of less than one year
- Foreign passport issued by one's own country
- APEC Business Travel Card issued by one's own country

(C) Reportable Political Donations

All PSPs (excluding election candidates and election agents) must disclose to the Registrar of Foreign and Political Disclosures every reportable political donation received and accepted during the preceding calendar year.

A reportable political donation is a political donation of or exceeding \$10,000 made to or for the benefit of a PSP. It also includes separate political donations made by the same donor to the same PSP within the same reporting period, that when aggregated, amount to or exceed \$10,000.

Example

Considered as a reportable donation, for a PSP:

- A political donation of \$10,000 or more received from a particular donor on a single day that falls within the reporting period.
- More than one occasion where donations were received by a PSP from a particular donor within the reporting period, which totals up to \$10,000 or more.

(D) Donations made by Major Political Donors

Under section 70 of FICA, a major political donor is a donor (who is not a PSP) who has made single or multiple political donations with an aggregate value of S\$10,000 or more, to a political party, or to a designated PSP given a prohibited donor directive or major donor directive, within a calendar year. All major political donors must disclose political donations to the Registrar of Foreign and Political Disclosures.

Note: In the following examples, references to a “political party” also apply to a designated PSP given a prohibited donor directive or major donor directive.

Example 1

If a donor has made multiple donations of S\$5,000, S\$4,000, S\$2,000 and S\$1,000 (total = S\$12,000) to the same political party in a calendar year, he must submit a Donation Report to the Registrar of Foreign and Political Disclosures because the total value of his donations is S\$10,000 or more.

Example 2

If a donor has made a single donation of \$10,000 to a political party, he must submit a Donation Report to the Registrar of Foreign and Political Disclosures because the total value of his donations is S\$10,000 or more.

Example 3

If a donor has made multiple donations of S\$3,000, S\$2,000 and S\$4,000 (total = S\$9,000) to the same political party in a calendar year, there is no requirement for him to submit a Donation Report to the Registrar of Foreign and Political Disclosures as the total value of his donations is less than S\$10,000.

Example 4

If a donor has made multiple donations of S\$3,000, S\$4,000 and S\$2,000 (total = S\$9,000) to political party A, and S\$2,000 and S\$3,000 (total = S\$5,000) to political party B, there is no requirement for him to submit a Donation Report to the Registrar of Foreign and Political Disclosures since the total donations to each political party is less than S\$10,000.

Example 5

If Mr X and Mr Y make a joint donation of S\$8,000 to the same political party, it will be taken that the party has received S\$4,000 each from Mr X and Mr Y unless otherwise indicated. Should Mr X alone subsequently donate another sum of S\$8,000 to the same party within the same calendar year, Mr X will be deemed to have made a total donation of S\$12,000 to that political party. Mr X must submit a Donation Report to the Registrar of Foreign and Political Disclosures as he has made multiple donations aggregating S\$10,000 or more in the calendar year.

What each PSP / major political donor should take note of:

Defined PSP (Organisation) - i.e., Political Parties

From 29th December 2023 onwards, political parties are to maintain -

- a. Proper documentary records of the party’s reportable political donations and affiliations to foreign persons/ organisations. The relevant details that need to be recorded are in Table 1 below:

Table 1 – Details of records to be kept

Political donation	<ul style="list-style-type: none"> • Date donation was received • Date donation was accepted • Amount of donation (in Singapore dollars) • Donor’s full name (for individual) / registered name (for entity) • Donor’s NRIC number (for individual) / Unique Entity Number (UEN) (for entity)
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Foreign affiliation	<ul style="list-style-type: none"> • Nature or description of arrangement • Date on which arrangement was entered into • Date on which arrangement ended (if terminated during reporting period) • Description of how the arrangement was entered into • Description of activities undertaken on behalf of the foreign principal (if any) • Foreign principal's full name (for individual) / registered name (for entity) • Foreign principal's passport or other identification number (for individual) • Foreign principal's nationality (for individual) / country of incorporation (for entity) • Foreign principal's date of birth (for individual)
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- b. A separate bank account for transactions involving the party's political donation funds. Political parties that have never received and do not expect to receive political donations need not establish a separate bank account for political donations yet, until such point where they start to receive such donations. However, political parties that have received in the past, or have been receiving, or are likely to receive political donations, must establish a separate bank account for political donations.

Defined PSP (Individual)

From 29th December 2023 onwards, PSPs are to maintain -

- a. Proper documentary records of any reportable political donations, migration benefits and affiliations to foreign persons/ organisations. The relevant details that need to be recorded are in Table 2 below:

Table 2 – Details of records to be kept

Political donation	<ul style="list-style-type: none"> • Date donation was received • Date donation was accepted • Amount of donation (in Singapore dollars) • Donor's full name (for individual) / registered name (for entity) • Donor's NRIC number (for individual) / Unique Entity Number (UEN) (for entity)
Foreign affiliation	<ul style="list-style-type: none"> • Nature or description of arrangement • Date on which arrangement was entered into • Date on which arrangement ended (if terminated during reporting period) • Description of how the arrangement was entered into

	<ul style="list-style-type: none"> • Description of activities undertaken on behalf of the foreign principal (if any) • Foreign principal's full name (for individual) / registered name (for entity) • Foreign principal's passport or other identification number (for individual) • Foreign principal's nationality (for individual) / country of incorporation (for entity) • Foreign principal's date of birth (for individual)
Migration benefit	<ul style="list-style-type: none"> • Type of migration benefit • Description of migration benefit • Foreign government that granted migration benefit • Date on which migration benefit was granted • Effective period of migration benefit

- b. A separate bank account for transactions involving the PSP's political donation funds. PSPs who have never received and do not expect to receive political donations need not establish a separate bank account for political donations yet, until such point where they start to receive such donations. However, PSPs who have received in the past, or have been receiving, or are likely to receive political donations, must establish a separate bank account for political donations.

Designated PSP (Organisation)

From the date that the organisation has been designated as a Part 4 PSP, the organisation is to maintain -

- a. Proper documentary records of any reportable political donations and affiliations to foreign persons/ organisations. The relevant details that need to be recorded are in Table 3 below:

Table 3 – Details of records to be kept

Political donation	<ul style="list-style-type: none"> • Date donation was received • Date donation was accepted • Amount of donation (in Singapore dollars) • Donor's full name (for individual) / registered name (for entity) • Donor's NRIC number (for individual) / Unique Entity Number (UEN) (for entity)
Foreign affiliation	<ul style="list-style-type: none"> • Nature or description of arrangement • Date on which arrangement was entered into • Date on which arrangement ended (if terminated during reporting period)

	<ul style="list-style-type: none"> • Description of how the arrangement was entered into • Description of activities undertaken on behalf of the foreign principal (if any) • Foreign principal's full name (for individual) / registered name (for entity) • Foreign principal's passport or other identification number (for individual) • Foreign principal's nationality (for individual) / country of incorporation (for entity) • Foreign principal's date of birth (for individual)
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- b. **[If political donations fund directive has been issued]** A separate bank account for transactions involving the designated PSP's political donation funds. PSPs who have never received and do not expect to receive political donations need not establish a separate bank account for political donations yet, until such point where they start to receive such donations. However, PSPs who have received in the past, or have been receiving, or are likely to receive political donations, must establish a separate bank account for political donations.

Designated PSP (Individual)

From the date that the individual has been designated as a Part 4 PSP, he/she is to maintain

- a. Proper documentary records of any reportable political donations, migration benefits and affiliations to foreign persons/ organisations. The relevant details that need to be recorded are in Table 4 below:

Table 4 – Details of records to be kept

Political donation	<ul style="list-style-type: none"> • Date donation was received • Date donation was accepted • Amount of donation (in Singapore dollars) • Donor's full name (for individual) / registered name (for entity) • Donor's NRIC number (for individual) / Unique Entity Number (UEN) (for entity)
Foreign affiliation	<ul style="list-style-type: none"> • Nature or description of arrangement • Date on which arrangement was entered into • Date on which arrangement ended (if terminated during reporting period) • Description of how the arrangement was entered into • Description of activities undertaken on behalf of the foreign principal (if any)

	<ul style="list-style-type: none"> • Foreign principal's full name (for individual) / registered name (for entity) • Foreign principal's passport or other identification number (for individual) • Foreign principal's nationality (for individual) / country of incorporation (for entity) • Foreign principal's date of birth (for individual)
Migration benefit	<ul style="list-style-type: none"> • Type of migration benefit • Description of migration benefit • Foreign government that granted migration benefit • Date on which migration benefit was granted • Effective period of migration benefit

- b. **[If political donations fund directive has been issued]** A separate bank account for transactions involving the designated PSP's political donation funds. PSPs who have never received and do not expect to receive political donations need not establish a separate bank account for political donations yet, until such point where they start to receive such donations. However, PSPs who have received in the past, or have been receiving, or are likely to receive political donations, must establish a separate bank account for political donations.

Major Political Donors

From 29th December 2023 onwards, major political donors are to maintain proper documentary records of their donations to political parties and designated PSPs given a prohibited donor directive or major donor directive. The relevant details that need to be recorded are in Table 5 below:

Table 5 – Details of records to be kept

Donation to PSP	<ul style="list-style-type: none"> • Name of PSP • Date of donation • Amount of donation (in Singapore dollars)
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Donation-related Information

Political Donations Fund

The following PSPs are required to establish and maintain a local bank account denominated in Singapore dollars (known as a Political Donations Fund) to receive political donations:

- Defined PSP (Organisation) – i.e., political party
- Defined PSP (Individual) – i.e., Election candidate / agent, POH, MP, and CEC member of a political party
- Designated PSP (Organisation/Individual) issued with a political donations fund directive

PSPs holding more than one capacity at the same time (e.g. a PSP who is both a POH and an MP), need not establish and maintain a separate account for each capacity (i.e., one account may be maintained for all political donations made to the same person).

All moneys received as political donations on or after 29th December 2023, and proceeds of any investment or disposal of any political donation of property acquired as an asset of the PSP, must be paid into the PSP's political donations fund. No other moneys should be paid into the political donations fund.

Meaning of Political Donations

Political Donations include goods and services, money⁵, property, subscription fees, affiliation fees or property and loan facilities provided on less than commercial terms.

The following table summarises the different types of “political donations” for each type of PSP, as defined in section 51 of FICA. Not all donations will be considered “political donations”. For example, for POHs and MPs, a “political donation” must be lawfully used or intended to be lawfully used by the POH/MP solely or substantially for a purpose related to the duties of the POH/MP. A donation to a POH/MP to buy a car for personal use would not be considered a “political donation”, although other laws may apply.

	Election Candidate/ Election Agent	Political Party	Political Office Holder	Member of Parliament	CEC member of political parties	Designated PSP
Gift of money or other property	√	√	√	√	√	√
Money spent in paying for expenses incurred by PSP	√	√	√	√		
Money lent to PSP not on commercial terms	√	√	√	√	√	√
Provision of property, services or facilities not on commercial terms	√	√	√	√	√	√
Provision of Sponsorship	√	√	√	√		
Voluntary labour/services	√	√	√	√		
Subscription or other fee paid						

⁵ Including funds raised during fund-raising events and activities such as sale of articles like calendars and note-pads, variety shows, dinners, golf tournaments and lucky draws.

	Election Candidate/ Election Agent	Political Party	Political Office Holder	Member of Parliament	CEC member of political parties	Designated PSP
for affiliation, or membership, to PSP		√				

Example

The printing service of a printing company offered free of charge to a PSP is considered as a donation from the company to the PSP. The PSP should ensure that the company is a permissible donor before accepting the service. It should keep record of the donation and reflect the donation in its subsequent Donation Report to the Registrar of Foreign and Political Disclosures or the Registrar of Political Donations (in the case of a candidate or election agent), if the value of the donation is S\$10,000 or more.

The following are not considered as donations under the Act:

- a. airtime during lawful political broadcast.
- b. postage-free election communications authorised by written law.
- c. grant or subsidy provided by the Government or a public authority to a PSP for the benefit of that person in his or her personal capacity.
- d. voluntary services provided free of charge by individuals who are citizens of Singapore.
- e. interest accruing on deposits of donations, which are pending attempts to return to the donor or any other person acting on his behalf.

Value of donations

The value of any donation that is provided or given at no cost is the market value of the donation in question.

The value of any donation in kind is –

- a. the price paid for the donation; or
- b. the difference between the price paid and the market value of the donation, if the price paid is lower than market value.

The lowest price charged for an equivalent amount of goods or services at the time the donation is received by the recipient is the market value of the goods or services in question.

Example

If a printer provides campaign banners at no charge, the market value would be what the printer would normally charge, including GST, for those signs. The price paid or market value of goods and services includes GST where applicable. The benefit derived from a loan given on preferential interest rates is a donation. The value of that benefit is the difference between the interest calculated based on the commercial interest rate and the interest calculated based on the preferential interest rate on the loan.

Permissible Donors

A permissible donor is:

- a. any individual who is a Singapore citizen and is not less than 21 years of age; or

- b. a Singapore entity⁶ which carries on business wholly or mainly in Singapore.

Donations other than those from permissible donors are considered impermissible donations.

Example

The following are not permissible donors:

- i. Permanent Residents; and
- ii. Singapore citizens who are below 21 years of age.

Donations in the form of voluntary service

A permissible donor, in relation to a donation in the form of voluntary labour received by a PSP, refers to an individual who is a Singapore citizen when performing that labour.

Defined PSPs, except for individuals who are defined PSPs only because they are CEC members of political parties, must not accept any voluntary labour from an impermissible donor.

Anonymous Donations

A donation is considered anonymous if the recipient is unable to ascertain the identity of the donor, e.g., \$100 in cash received anonymously by mail. Donations from donors who request recipients not to reveal their identities are not considered anonymous.

A defined PSP, or a designated PSP issued an anonymous donations directive, is not allowed to accept anonymous donations which amount in total to S\$5,000 or more per calendar year.

If a PSP receives an anonymous donation that will cause it to exceed this limit, the PSP must return or surrender the whole anonymous donation. Each anonymous donation is to be treated as a whole and is not to be segmented into a few smaller donations.

Example 1

A PSP may accept anonymous donations of aggregate value up to S\$4,999.99 in each calendar year.

Example 2

If a PSP receives a single anonymous donation of S\$5,000 or more in the form of a cheque, the PSP cannot accept the donation. The PSP should return the cheque to the bank within 30 days of receipt of the donation.

Example 3

If you have already accepted a total anonymous donation of S\$4,000 and subsequently receive an anonymous donation of S\$3,000, you cannot keep part of the S\$3,000 to make up your total anonymous donation to S\$4,999.99. You must within 30 days of receiving the donation, return the entire amount of S\$3,000 to the person who transmitted it (other than the donor) or the financial institution or as a last resort, surrender the \$3,000, to the Registrar of Foreign and Political Disclosures or the Registrar of Political Donations (in the case of a candidate or election agent).

⁶ Singapore entity, as defined in section 55(1) of FICA, refers to (i) a Singapore-controlled corporation; (ii) a Singapore-controlled partnership; or (iii) a Singapore-controlled unincorporated association.

Guidelines in accepting political donations

When a defined PSP receives a donation, it should take note of the following:

- a. Check that the donation comes from a permissible donor before accepting the donation.
 - i. If the donation comes from an individual, the PSP should ensure that the individual is a Singapore Citizen who is at least 21 years old, e.g., request the individual to show his IC to confirm his identity.
 - ii. If the donation comes from a company, the PSP should ensure that the company is a Singapore entity which carries on business wholly or mainly in Singapore. If in doubt, the PSP is advised to verify with the entity since it will have the most current register of members.
- b. The PSP should issue a receipt to the donor upon accepting the donation and keep a record of the details of the donation and the donor's particulars.
- c. For donations in kind, the PSP may want a licensed valuer to appraise the donations.
- d. If the donor has made multiple small donations amounting to S\$10,000 or more within a calendar year, inform the donor to submit a Donation Report to the Registrar of Foreign and Political Disclosures.
- e. In the case of an anonymous donation, before accepting the donation, the PSP should check whether by accepting that donation in the reporting year, the total anonymous donations accepted by the PSP during the reporting year would be S\$5,000 or more. If by accepting the donation, the PSP will exceed the limit, the whole donation must be returned within 30 days of receipt. The PSP can return the entire donation to the person who transmitted it (other than the donor) or the financial institution.
- f. If the donor is not a permissible donor, the donation must be returned within 30 days of receipt. The PSP can return it to the donor or the person who is acting on behalf of the donor. Any donation accepted from an impermissible source can be forfeited by the Court.
- g. It is advisable for a PSP to keep a record of any prohibited donation and how each instance is resolved.
- h. For political parties, as a political party is required to file annual Donation and Foreign Affiliations Reports covering all its branches, the above procedures must be observed by all branches and by their members who receive donations on behalf of the party.

Disclosure of involvement in foreign political organisation, etc.

With reference to Section 79 of FICA, any Singapore Citizen (whether or not resident in Singapore) who either:

- a. As at 29th December 2023, is a member; or
- b. After 29th December 2023, becomes a member

of a foreign legislature or a foreign political organisation, is required to disclose his/ her involvement to the Registrar of Foreign and Political Disclosures.

Foreign legislature

Foreign legislature refers to a legislature of a foreign country.

Foreign political organisation

Foreign political organisation means –

- a. a foreign political party; or
- b. an entity that –

- i. is constituted or organised under a law of a foreign country; and
- ii. exists primarily to pursue political objectives.

What is meant by “member”?

“Member” in relation to a foreign legislature or a foreign political organisation includes an individual who is an honorary member.

Example

A person is not a member of a foreign legislature or a foreign political organisation by reason only of being:

- a. an employee of;
- b. a person who regularly conducts, or takes part in, any activities (in or outside Singapore) organised or sponsored by;
- c. a person who regularly donates to; or
- d. a person who lobbies on behalf of;

the foreign legislature or foreign political organisation.

When should a disclosure be made?

When person becomes member	Deadline for disclosure
Is a member of a foreign legislature or a foreign political organisation on 29 December 2023	By 1 Mar 2024
Becomes a member of a foreign legislature or a foreign political organisation between 29 December 2023 and 1 Feb 2024	By 1 Mar 2024
Becomes a member of a foreign legislature or a foreign political organisation after 1 Feb 2024	Within 1 month starting from the date he/she first becomes a member of the foreign legislature or the foreign political organisation

The relevant information that is required to be disclosed is in Table 6 below:

Table 6 – Information required to be disclosed

Involvement in foreign political organisation	<ul style="list-style-type: none"> • Individual’s name, NRIC, place of residence, and email address (if any) • Description of the foreign legislature or the foreign political organisation • Nature of individual’s membership in the foreign legislature or the foreign political organisation • Date individual became a member of the foreign legislature or the foreign political organisation • Period of membership in the foreign legislature or the foreign political organisation
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Frequently Asked Questions (FAQs)

[Declaration and report related]

Q1: For reporting purposes, does FICA apply retrospectively? (i.e. reportable details to include those prior to FICA's operational date)

Ans: For PSPs, except for election candidates and election agents,⁷ the applicable reporting periods for which information must be declared are from 29 Dec 2023 onwards only.

Q2: Will declaration requirements apply to individual employees of a Designated PSP (Organisation)? E.g., staff receiving personal gifts in the course of their work?

Ans: A "political donation", in relation to a designated PSP, is set out in section 51(5) of FICA. For a gift to be considered a political donation, the gift must be used or intended to be used, in whole or in part, for one of the purposes in s51(5)(d) to (f):

- (d) to enable the PSP to make, directly or indirectly, a political donation to another PSP;
- (e) to incur or defray expenditure for undertaking the PSP's activities directed in whole or in part towards a political end in Singapore; or
- (f) to reimburse the PSP for making a political donation mentioned in (d) or incurring or defraying expenditure mentioned in (e).

Therefore, a gift to an employee of a designated PSP, which is not used or intended to be used by the designated PSP for the purposes listed above, is unlikely to be considered a political donation in the context of the designated PSP, and is hence not reportable.

Q3: What are the prescribed details that a PSP will have to provide (as required by any further regulations) for each donor?

Ans: The following details for every donor - the donor's full name (individual/ entity), NRIC or Unique Entity Number (UEN), date donation was received, amount of donation received (in Singapore dollars).

Q4: Would obtaining donors' details result in contravening the Personal Data Protection Act (PDPA)?

Ans: No, obtaining donors' personal details for the purpose of making a declaration under FICA will not contravene PDPA.

Q5: As political parties, do we need to submit donation reports to ELD after FICA comes into force on 29 Dec 2023?

Ans: Yes, political parties are required to submit one last donation report (for the current financial year) to ELD within 31 days after the close of their respective financial year.

Q6: What happens if you fail to submit your Donation Report and Foreign Affiliations Report on time?

Ans: Failure to submit the Donation Report and Foreign Affiliations Report on time is an offence.

⁷ Election candidates and election agents can refer to ELD's website for more information (<https://www.eld.gov.sg/registry.html>)

[Donations-related]

Q1: Can a defined PSP accept a donation from a foreigner who has channelled his donation through a permissible source?

Ans: Under the Act, a defined PSP cannot accept a donation that comes from a foreigner, even if it is channelled through a permissible source. Any donation accepted from impermissible sources can be forfeited by the Court. Any person who knowingly facilitates the channelling of impermissible donations by means of concealment may also be charged for an offence.

Q2: MPs sometimes manage monies received at their party branch, and channel these monies to the political party. Do MPs have to disclose such monies as political donations in their own donation reports?

Ans: Political donations received at the various political party branches and intended for the political party's usage or activities should be consolidated at the party level and disclosed to RFPD collectively. These are not considered as political donations to the individual MPs, hence MPs do not have to disclose such donations in their own reports.

Q3: How do we determine the market value of a donation in kind?

Ans: You can seek professional advice from any qualified valuer as to its market value. In a case of any alleged false declaration, the market value determined by the qualified valuer would be useful evidence in court.

[General]

Q1: What are the additional reporting requirements/ prohibitions for political parties under FICA, in addition to those ported over from the repealed Political Donations Act?

Ans: Political parties are defined PSPs under FICA. The additional reporting requirements/ prohibitions for political parties include:

a. *Political Donations Fund*

Political parties are required to establish and maintain a designated political donations fund for the receipt of political donations, to ensure that there are proper records of donations relating to their political activities.

b. *Foreign Volunteers*

The Act prohibits political parties from accepting voluntary labour or voluntary professional services from foreigners, i.e., anyone who is not a Singapore citizen.

c. *Foreign Affiliations*

The Act requires political parties to disclose their foreign affiliations, which are relationships with foreign principals that are in positions of control or power over the parties, or where the parties are directly affiliated with the foreign principals, or are employed by the foreign principals.

The Act empowers the Registrar of Foreign and Political Disclosures to require a party to end its affiliation with a foreign principal if there is an increased risk of foreign interference.

Q2: Under the PDA, MPs who donate \$10,000 or more in a calendar year to their political parties are considered major donors, and are required to disclose their donations to their political parties. Under FICA, does this requirement remain?

Ans: Under FICA, major political donors do not include PSPs (such as MPs). Therefore, MPs who donate \$10,000 or more in a calendar year to their political parties are not required to disclose these in a major political donor's donation report.

Q3: If a PSP has not been receiving any political donations and does not foresee receiving any political donations, does the PSP still have to maintain a dedicated bank account as a political donations fund?

Ans: No. The PSP is not required to establish a separate bank account for political donations yet, until such point where the PSP starts to receive such donations. However, PSPs who have received in the past, or have been receiving, or are likely to receive political donations, must establish a separate bank account for political donations.

Q4: Can MPs use their respective party branch's bank account as the political donations fund?

Ans: The political donations fund must be a dedicated bank account set up only to receive political donations intended for the specific PSP, and no other monies. Therefore, the party branch's bank account is unlikely to be suitable as a political donations fund.

Q5: Do I need to make any declaration if I am a member of a foreign legislative body but I do not stay in Singapore?

Ans: The Act requires Singapore Citizens (whether or not resident in Singapore) who are members of foreign political or legislative bodies to declare their involvement in these bodies.

Q6: As a Singapore citizen with an involvement in a foreign legislature/foreign political organisation, how do I make a disclosure?

Ans: You may visit RDS website (<https://eservices2.mha.gov.sg/rds>) and select the e-service 'Involvement in foreign political organisation, etc.'. To commence your declaration, login using your personal Singpass account.

Do note that you will also need to provide details of your mailing address (if different from that registered on your NRIC) and a valid email address (if any).

Q7: We just received information that our company has been designated as a Part 4 PSP. Can we appeal and how to appeal?

Ans: Yes. The company can appeal to the Minister for Home Affairs against the designation. An appeal must be addressed to the "Appeals Secretary" and sent either by email to MHA_PDD_RRP@mha.gov.sg or by registered post addressed to the Minister for Home Affairs, Ministry of Home Affairs, New Phoenix Park, 28 Irrawaddy Road, Singapore 329560.