



KNOW YOUR COUNTERPARTY QUESTIONNAIRE

The MISC Code of Conduct and Business Ethics (“CoBE”) for Third Parties sets out MISC’s core principles with respect to ethics and integrity, economic sanctions, export control, competition, data protection, and human rights.

MISC expects its Third Parties to comply with all applicable laws and the relevant parts of the CoBE and any other relevant guidelines or manual when performing such work or services.

Therefore, before MISC engages a Third Party, we are obligated to conduct appropriate Third Party due diligence to understand the business and background of our prospective business counterparties to ensure that we are dealing with Third Parties that subscribe to the same values and ethical standards of integrity as MISC in the conduct of their business.

Please complete the following questionnaire, using additional pages where necessary, and return a scanned, signed copy to the MISC focal person in charge. If you subsequently learn that any of the information provided below is incorrect or incomplete, please correct or complete it (as applicable) and notify us as soon as possible.

The information provided will be evaluated by MISC and will be kept confidential unless disclosure is ordered by the authorities.

Third Party refers to contractors, sub-contractors, consultants, vendors, agents, representatives and other service providers performing/ providing work, supplies or services for or on behalf of MISC Berhad and its group of companies, joint venture (“JV”) partners, clients, banking and financial institutions/ lenders or otherwise.

SECTION A: COMPANY INFORMATION		
NO	QUESTIONS	RESPONSE
1.	Registered Company Name/ Full legal name (and any previous legal names and/or trading names)	
2.	Country of incorporation	
3.	Date of incorporation	
4.	Registration number	
5.	Registered address	
6.	Telephone number	

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SECTION A: COMPANY INFORMATION		
NO	QUESTIONS	RESPONSE
7.	<p>Nature of the Company's business.</p> <p>Please provide a copy of the following documents:</p> <p>a. Company's Annual Report or other publications describing the Company's activities</p> <p>b. Certificate of Registration</p>	
8.	<p>Does the Company has/ had any current/ past contract with MISC Group?</p> <p>If yes, please provide the following details:</p> <p>a. MISC entity name (MISC Berhad/ AET/ MHB/ Marine/ ALAM/ Others – please provide details)</p> <p>b. Type of business/ service/ product</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Shareholders

Parent Company (Full Legal Name)		Country	
Ultimate Parent Company (Full Legal Name)		Country	

Please provide the following details on the Company's Shareholders.

Full Legal Name (Individual/ Company)	Nationality/ Jurisdiction	ID/ Registration Number	Address	Amount of Shares	% of Shares	Type of Shares

Please provide diagram of the Company's shareholding structure.



Please provide details on the Company’s Ultimate Beneficial Owner(s).

Full Legal Name (Individual/ Company)	Nationality/ Jurisdiction	ID/ Registration Number	Address	Amount of Shares	% of Shares	Type of Shares

10. Board of Directors

Please provide the following details on each current director.

Full Legal Name	Nationality/ Jurisdiction	Position (Independent Director/ Non-Independent Director)	Appointment Date	Date of Birth

11. Management of Company

Please provide details on key management personnel (e.g. CEO, CFO).

Full Legal Name	Nationality/ Jurisdiction	Position	Years in Position	Years in Industry/ Related Field



12. Contract Arrangement

Does the Company intend to enter the contract under a different legal entity? ☐ Yes ☐ No

If yes, please provide the following details.

Full Legal Name	Entity’s ID (i.e. Registration Number)	Relationship with the Company	Country	Year of Incorporation	Business Operation

Does the Company outsource or intend to outsource any of its services in relation to the proposed arrangement with MISC? ☐ Yes ☐ No

If yes, please provide the following details of the third-party contractors.

Please note that any outsource arrangement in relation to the transaction requires MISC prior consent.

Name of Sub-contractor Entity	Country/ Jurisdiction	Year of Incorporation	Job Scope	Remarks

SECTION B: ETHICS & INTEGRITY		
NO	QUESTIONS	RESPONSE
SECTION B I: ETHICS & INTEGRITY – ANTI-CORRUPTION AND BRIBERY		
1.	<p>Are any of the current directors or current key employees of the Company a Public Official?</p> <p><i>If yes, please provide details.</i></p> <p>DESCRIPTIONS For ease of reference, “Public Official” shall include the following: (i) a person employed by a public authority holding a legislative, executive, administrative or judicial office, whether appointed or elected, whether permanent or temporary, whether paid or unpaid, irrespective of that person’s seniority; (ii) any other person who performs a public function, including for a public agency or public enterprise, or provides a public service; or (iii) any other person defined as a “public official” in the domestic law of a country.</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	<p>Please disclose any relationship which the Company, its affiliates, its directors and/or key employees has or have with any Public Official related to the transaction.</p> <p><i>If yes, please provide details.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	<p>Have any payments been made by or on behalf of the Company during the past five years to any Public Official (directly/indirectly)?</p> <p><i>If yes, please provide details.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	<p>Does the Company have any affiliation with current MISC employee who is involved in this transaction?</p> <p><i>If yes, please provide details of the MISC employee:</i> (i) Full Legal Name (ii) Position Held (iii) The Duty/Duties of the Position(s) (iv) Tenure (start & end dates) (v) Relationship/ description of affiliation with the employee</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	<p>Are any of the Company’s directors, shareholders, senior management member(s) and/ or their family member(s) currently working with MISC Group?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION B: ETHICS & INTEGRITY		
NO	QUESTIONS	RESPONSE
	<p><i>If yes, please provide details:</i></p> <p>(i) Name</p> <p>(ii) Position</p> <p>(iii) Department</p> <p>(iv) Company</p> <p>(v) The Duty/Duties of the Position(s)</p> <p>(vi) Tenure (start date)</p>	
6.	<p>Are any of the Company's directors, shareholders, senior management member(s) and/ or their family member(s) currently a shareholder or holds any other interest(s) in PETRONAS and/ or MISC including their affiliate companies?</p> <p><i>If yes, please provide details:</i></p> <p>(i) Name</p> <p>(ii) Position</p> <p>(iii) Company</p> <p>(iv) Other Information</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.	<p>Does any government, its agencies or controlled organisations, or any other organisation performing a governmental function own any interest in or exercise any control over the Company's business?</p> <p><i>If yes, please list the nature and extent of any such interest or control.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
8.	<p>Does the Company have the following documents that are compliant with relevant anti-bribery and corruption policies and regulations?</p> <p>(i) a written employee code of conduct;</p> <p>(ii) a written anti-bribery and corruption policy; and</p> <p>(iii) a policy and process for reporting bribery if discovered</p> <p><i>If yes, please provide details.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
9.	<p>If yes, does the Company disseminate the above to all its employees?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION B: ETHICS & INTEGRITY		
NO	QUESTIONS	RESPONSE
10.	Does the Company conduct anti-bribery and corruption awareness training to its employees? <i>If yes, please provide details of frequency.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
11.	Does the Company have any other communications about anti-bribery and corruption? <i>If yes, please provide details.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
12.	Has the Company (or any of its affiliates, shareholders, directors or key employees) ever been the subject of any convictions or prosecutions, or is the subject of any pending investigations or enquiry by a public authority, in relation to bribery or corruption? <i>If yes, please provide details.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
13.	Has the Company (or any of its affiliates, shareholders, directors, or key employees) ever been cited, investigated by a government agency for non-compliance with any governmental rule or regulation of a material nature or involved in any lawsuit within the last 5 years? <i>If yes, please provide details.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
14.	Does the Company require its contractors, sub-contractors and other third parties to comply with its ethics and compliance policies (including anti-bribery and corruption)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
15.	Has the Company (or any person or entity listed in this questionnaire) ever been barred from competing for government contracts in any country? <i>If yes, please provide details.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
16.	Does the Company have a compliance due diligence process in place whereby it assesses the reputation and compliance state of its own third parties seeking to understand and mitigate the risks that these third parties might represent? <i>If yes, please provide details of the process.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION B: ETHICS & INTEGRITY		
NO	QUESTIONS	RESPONSE
SECTION B II: ETHICS & INTEGRITY – ANTI-MONEY LAUNDERING, ANTI-TERRORISM FINANCING & PROCEEDS OF UNLAWFUL ACTIVITIES (AML)		
17.	Does the Company have any statement/commitment on AML? <i>Note: The statement/commitment may form part of the Company's code of conduct or anti-bribery and corruption policy.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
18.	Does the Company provide AML awareness training to its employees? <i>If yes, please provide details of frequency.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
19.	Has the Company (or any of its affiliates, shareholders, directors or key employees) ever been the subject of any convictions or prosecutions, or is the subject of any pending investigations or enquiry by a public authority, in relation to AML? <i>If yes, please provide details.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
SECTION B III: ETHICS & INTEGRITY – HUMAN RIGHTS		
20.	Does the Company have any policy/ statement/ commitment on human rights?	<input type="checkbox"/> Yes <input type="checkbox"/> No
21.	Does the Company provide human rights awareness training to its employees?	<input type="checkbox"/> Yes <input type="checkbox"/> No
22.	Does the Company have a grievance mechanism for its employees and are the employees aware of the grievance mechanism?	<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION C: SANCTIONS		
NO	QUESTIONS	RESPONSE
1.	Is the Company or any of its affiliates to the best knowledge, the directors, officers, employees: (i) the target or subject of any Sanctions;	<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION C: SANCTIONS		
NO	QUESTIONS	RESPONSE
	<p>(ii) owned or controlled by any person who is the target or subject of any Sanctions; or</p> <p>(iii) for the purpose of this transaction, acting for the benefit of or on behalf of any person who is the target or subject of any Sanctions.</p> <p><i>If Yes, please provide details.</i></p> <p>Definitions:</p> <p>“Sanctions” means all laws or regulations concerning economic sanctions (including embargoes, export restrictions, restrictions on the ability to make or receive international payments, freezing or blocking of assets of targeted Persons, or the ability to engage in transactions with or involving specified Persons or countries, or any laws or regulations threatening to impose economic sanctions on any Person for engaging in targeted behaviour) of any jurisdictions including –</p> <p>(i) the United Nations;</p> <p>(ii) Malaysia;</p> <p>(iii) the European Union;</p> <p>(iv) the United Kingdom (including those administered by HM Treasury);</p> <p>(v) the United States (including those administered by the Office of Foreign Assets Control of the Department of the Treasury, the Bureau of Industry and Security of the Department of Commerce, or the Department of State).</p> <p>“Person” means any natural person, corporation, limited liability company, trust, joint venture, association, company, partnership, Governmental Authority or other entity.</p>	
2.	<p>Is the Company or any of its affiliates engaged in transactions, investments, business or other dealings that directly or indirectly involve or benefit any person or entity that is the target or subject of any Sanctions?</p> <p><i>If yes, please provide details.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	<p>Is the Company or any of its affiliates incorporated, located within or operating from any Countries and Territories Subject to Comprehensive Sanctions?</p> <p>Definitions:</p> <p>“Countries and Territories Subject to Comprehensive Sanctions”:</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION C: SANCTIONS		
NO	QUESTIONS	RESPONSE
	(i) Iran; (ii) Cuba; (iii) North Korea; (iv) Crimea; (v) Luhansk; (vi) Donetsk; (vii) Kherson; (viii) Zaporizhzhia; and (ix) Other countries/territories as may be comprehensively sanctioned by the relevant sanctioning authority. <i>If yes, please provide details.</i>	
4.	Is the Company or any of its affiliates engaged in transactions, investments, business or other dealings that directly or indirectly involve or benefit any Countries and Territories Subject to Comprehensive Sanctions? <i>If yes, please provide details.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	Is the Company incorporated, located within or operating from Russia or Venezuela? <i>If yes, please specify including the details of the company, owner(s), shareholder(s) and director(s).</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.	Is the Company owned or controlled by individual or entity from Russia or Venezuela? <i>If yes, please specify the details of the individual or entity.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.	Has the Company ever been the subject of any convictions or prosecutions, or is it the subject of any pending investigations or enquiry by a public authority, in relation to sanctions laws and regulations within the last 5 years? <i>If yes, please provide details.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION D: EXPORT CONTROL		
NO	QUESTIONS	RESPONSE
1.	<p>Are any of the goods and/or services that will be supplied, are items subject to export control, such as the controls as prescribed under Strategic Trade Act 2010, the U.S Export Administration Regulations or any other similar export control laws?</p> <p><i>If yes, please provide details.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	<p>Do you have relevant permits and/ or approvals for the export, import, transshipment and/ or brokering of that goods and/ or services?</p> <p><i>If yes, please provide details.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	<p>Has the Company ever been the subject of any convictions or prosecutions, or is it the subject of any pending investigations or enquiry by a public authority, in relation to export control regulations within the last 5 years?</p> <p><i>If yes, please provide details.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION E: DATA PRIVACY/ PERSONAL DATA PROTECTION		
PART I: GENERAL CHECKLIST		
NO	QUESTIONS	RESPONSE
1.	<p>Is the Company providing personal data processing services to MISC or carrying out personal data processing activities for and/or on behalf of MISC?</p> <p>Examples of personal data processing services:</p> <ul style="list-style-type: none"> (i) payroll management services, (ii) data centre / cloud storage services, (iii) development of new software or technology which involves processing or storage of personal data, (iv) business process outsourcing services such as call centre services, (v) marketing agents, (vi) any other services which involve processing or handling of personal data for and on behalf of MISC. <p><i>If yes, please proceed to answer Part II: Detailed Checklist below.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION E: DATA PRIVACY/ PERSONAL DATA PROTECTION		
PART I: GENERAL CHECKLIST		
NO	QUESTIONS	RESPONSE
2.	<p>Has the Company ever been the subject of any convictions or prosecutions, or the subject of any pending investigations or enquiry by a public authority, in relation to personal data protection laws?</p> <p><i>If yes, please provide details of such convictions, prosecutions, or investigations.</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No

The following Part II is to be completed by the Company if it answers ‘Yes’ in the above ‘Part I: General Checklist – Question no.1’ and the transaction involves large scale processing of personal data i.e. processing personal data beyond or in addition to the processing of employees’ personal data for the mere purpose of execution and performance of the contract:

SECTION E: DATA PRIVACY/ PERSONAL DATA PROTECTION		
PART II: DETAILED CHECKLIST		
NO	QUESTIONS	RESPONSE
1.	<p>Is there personal data protection law in place in your country or place of business?</p> <p><i>If yes, what are the laws that govern personal data protection and enforcement in your country?</i></p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	Does the personal data protection law in the country accord at least an equivalent (or more stringent) level of protection in relation to the processing of personal data as compared to Malaysian personal data protection laws (i.e. the Malaysian Personal Data Protection Act 2010)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	<p>Does the Company have appropriate personal data protection policy, guidelines or manuals that have incorporated the following and which are compliant with relevant personal data laws and regulations?</p> <ul style="list-style-type: none"> (i) to obtain adequate consent from individuals; (ii) to provide individuals with the required notices and information, and verify that their personal data has been obtained lawfully and that it is relevant for the stated purposes; (iii) to retain the personal data that has been collected only for the period necessary to fulfill the relevant purposes, unless otherwise permitted or required by applicable law; (iv) to inform individuals concerned about the disclosure of their personal data to third party recipients; (v) to keep personal data secure by protecting it with adequate and appropriate security safeguards; and (vi) to provide individuals with the ability to exercise their rights under applicable law, e.g. right to access, rectify and/or request the erasure of their personal data, where applicable. 	<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION E: DATA PRIVACY/ PERSONAL DATA PROTECTION		
PART II: DETAILED CHECKLIST		
NO	QUESTIONS	RESPONSE
4.	Does the Company disseminate the above to all its employees?	<input type="checkbox"/> Yes <input type="checkbox"/> No
5.	Does the Company have a data protection lead or Data Protection Officer (“DPO”)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
6.	Has the Company implemented adequate technical and organisational security measures in order to protect and secure personal data from loss, misuse, unauthorised or accidental access or disclosure (whether processed electronically or non-electronically) which are in compliance with relevant personal data laws and regulations? <i>If yes, please provide details.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
7.	Does the Company provide personal data protection awareness training for all its employees? <i>If yes, please provide details of frequency.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No
8.	With regards to engaging sub-processor(s), does the Company ensure that there is a contract in place with the sub-processor(s) and to include equivalent personal data protection obligations?	<input type="checkbox"/> Yes <input type="checkbox"/> No
9.	With regards to engaging sub-processor(s), does the Company have any program designed or implemented to ensure the compliance of sub-processor(s) (e.g. regular audit processes and procedures to be carried out on the Company’s sub-processor(s))?	<input type="checkbox"/> Yes <input type="checkbox"/> No
10.	Does the Company have processes in place to identify and report any personal data breaches to the data user / data controller or relevant authorities? <i>If yes, please provide a copy of the processes to us.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No

The following section is to be filled by the Counterparty if the activity/ transaction is in relation to Mergers & Acquisition (M&A):

SECTION F: COMPETITION		
NO	QUESTIONS	RESPONSE
1.	Does the Company have the following documents which are in compliance with relevant competition laws and regulations? (i) a written competition law manual; (ii) a written meeting protocol; and/or (iii) a policy and process for reporting anti-competitive conduct/activities if discovered.	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.	If yes, does the Company disseminate the above to all its employees?	<input type="checkbox"/> Yes <input type="checkbox"/> No
3.	Does the Company provide competition law training regularly for all its employees?	<input type="checkbox"/> Yes <input type="checkbox"/> No
4.	Has the Company ever been the subject of any convictions or prosecutions, or is it the subject of any pending investigations or enquiry by a public authority, in relation to competition or anti-trust laws within the last 5 years? <i>If yes, please provide details.</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No

SECTION G: PERSONAL DATA AND INFORMATION NOTICE
<p>Personal Data Protection Act 2010 (“PDPA 2010”) & EU General Data Protection Regulation (“EU GDPR”)</p> <p>Pursuant to the enforcement of PDPA 2010 & EU GDPR, we hereby wish to give this notice and seek your consent on the processing of your personal data as well as to give an assurance of our commitment to ensure that your data is securely processed, kept and not used or disclosed for any other purpose than the commercial dealings we have with you. Please refer to the Personal Data and Information Notice provided to you for more information.</p>



SECTION H: CERTIFICATION	
By signing this document, the undersigned, being duly authorised to complete this questionnaire, hereby certify the following:	
<ul style="list-style-type: none">○ declares that he/she has, or has obtained from the relevant authority, the proper mandate and authority to disclose such information;○ declares that the Company shall not extend or offer any gift (other than promotional items) or unusual hospitality to MISC employees;○ consents to the processing of such information for the purpose described in the Personal Data and Information Notice;○ acknowledges that the processing of such information may be conducted by a third party on behalf of MISC which may occur in another country than the country of disclosure; and○ represents that the information provided in this document is, to the best of his/her knowledge is accurate, current and complete as of the date of disclosure.	
For and on behalf of (INSERT COMPANY NAME)	
Signed by the authorised representative of the Company:	
<div></div>	<div></div>
Signature	Date
Name:	
Designation:	

DOCUMENT CHECKLIST			
No.	Documents to be Submitted	Yes / No	Remarks
1.	Completed and signed KYC Questionnaire Form		
2.	Certified copy of Business Registration Certificate/ Certificate of Incorporation		
3.	Shareholding Structure – Diagram of Shareholding Structure		
4.	Annual Report/ Company Profile - Latest		
5.	Written employee code of conduct (if any)		
6.	Written anti-bribery and corruption policy (if any)		
7.	Policy and process for reporting bribery if discovered (if any)		
8.	Data Protection Policy and/ or processes (if any)		
9.	Other supporting documents (if any)		

Note:

1. All documents sourced from outside of Malaysia must be in English. Should the original document is not in English, please provide a certified translation to the original.
2. MISC personnel may request for further clarification and additional document(s) during registration process.