



**Majlis Peguam
Bar Council Malaysia**

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**Circular No 120/2022
Dated 13 May 2022**

To Members of the Malaysian Bar

**Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful
Activities Act 2001 (“AMLATFA”) and Legal Professional Privilege**

The Financial Intelligence and Enforcement Department (“FIED”) of Bank Negara Malaysia (“BNM”) has been carrying out various activities to monitor and look at law firms’ compliance levels with regard to anti-money laundering and counter financing of terrorism (“AML/CFT”). This includes submission of data and compliance reports (“DCR”) and on-site examinations on selected law firms, conducted under section 25 of the AMLATFA.

The Bar Council has received feedback from numerous Members who raised concerns as to the potential impact upon legal professional privilege (“LPP”).

The Bar Council has been in communication with BNM on this issue. We have informed BNM that it is our position that BNM’s powers under AMLATFA, and the obligations of disclosure / reporting, whether under section 25 or otherwise, are limited by LPP.

We also wish to remind Members that in the event that any information or document that is protected by LPP is sought in the course of any enquiry or examination under AMLATFA, such member is obligated to refuse disclosure in the absence of his/her client’s written consent.

Members would be aware of the position taken by the Bar to protect and preserve LPP in dealings with other agencies / regulators, and in pending proceedings.

Should you need to be in touch with the Bar Council on the issue of LPP in the context of AMLATFA, please send an email to amla@malaysianbar.org.my.

Thank you.

**Anand Raj
Secretary
Malaysian Bar**