

### Pooled Registered Cash Accounts Industry Best Practices

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#### Preamble

- The Pooled Registered Cash Accounts Industry Best Practices were developed through the Brokered Deposit Advisory Group (BDAG), in collaboration with CDIC, to help industry stakeholders understand how the deposit insurance requirements for trust deposits set out in the CDIC Act apply to uninvested client funds held in pooled registered cash accounts at CDIC Member Institutions
- The Best Practices clarify how the CDIC Act requirements apply to pooled registered cash accounts. They also provide information on the approaches that can be followed by trustees and CDIC member institutions to ensure the continued CDIC protection of deposits held in pooled registered cash accounts
- The Best Practices compliment and support key legislative requirements set out by the Government of Canada. They should be implemented by stakeholders in conjunction with the CDIC Act and the CDIC Co-Owned and Trust Deposit Disclosure By-law (COTDB)



### 1. Introduction



#### 1.1 Amendments to the CDIC Act

- Amendments to the CDIC Act have been made to strengthen deposit insurance protection for deposits "held in trust" at CDIC member institutions (MIs)
- The new rules affect how CIDC protects deposits held by trustees and set out specific requirements that trustees must meet to ensure that the deposits they hold for their beneficiaries are protected by CDIC. These new requirements are effective on April 30, 2022, and are not discretionary
- If an MI were to fail, CDIC would use the information on the records of that institution to determine the trustee's deposit insurance coverage
  - To ensure appropriate deposit insurance coverage, trustees must adhere to new disclosure requirements
  - Under the new rules, CDIC continues to insure eligible deposits held in trust up to \$100,000 per beneficiary
- Additional information about the changes can be found on the CDIC website at <a href="https://www.cdic.ca/financial-community/">https://www.cdic.ca/financial-community/</a>



### 1.1 Amendments to the CDIC Act (Cont'd)

- The amendments to the *CDIC Act* introduce new categories of trustees with unique disclosure requirements. The trustee categories are as follows:
  - Nominee Brokers: Financial advisors, securities dealers, investment dealers, broker-dealers, and others who purchase deposits from financial institutions that are members of CDIC either on behalf of (i.e. in nominee name);
    - For additional information related to trust rules related to Nominee Brokers, visit <a href="https://www.cdic.ca/financial-community/for-brokers-and-other-financial-professionals/new-changes-to-deposit-insurance-affecting-nominee-brokers/">https://www.cdic.ca/financial-community/for-brokers-and-other-financial-professionals/new-changes-to-deposit-insurance-affecting-nominee-brokers/</a>
  - Professional Trustees: Trustees who hold deposits in trust at a CDIC Member Institution and who qualify as a Professional Trustee (Professional Trustees);
    - Trustees may qualify as Professional Trustee as defined in the CDIC Act. Professional Trustees have the option to designate accounts as Professional Trustee Accounts, which have less onerous disclosure requirements.
      - For additional information related to Professional Trustees and Professional Trustee Accounts, visit <a href="https://www.cdic.ca/financial-community/for-trustees/for-professional-trustees/">https://www.cdic.ca/financial-community/for-trustees/for-professional-trustees/</a>
  - Trustees: Trustees who hold deposits in trust at a CDIC Member Institution in various capacities (professional or otherwise) but do not qualify as a professional trustee;
    - Trustees continue to receive separate CDIC insurance on those deposits provided they adhere to new disclosure requirements
      - For additional information related to Trustees, visit <a href="https://www.cdic.ca/financial-community/for-trustees/">https://www.cdic.ca/financial-community/for-trustees/</a>



### 1.2 Purpose of Industry Best Practices

- The Pooled Registered Cash Accounts Industry Best Practices set out how the approaches for disclosing beneficiary information under the trustee and professional trustee categories could be used by the industry/trustees to ensure CDIC protection of deposits held in pooled registered cash accounts
- The goal of the Best Practices is to support trustees and MIs in meeting their deposit insurance obligations related to trust deposits as set out in the CDIC Act and By-laws
- They form the basis for trustees and CDIC MIs to implement procedural and system changes that may be required to facilitate the adherence to new rules under the CDIC Act/Bylaws related to the disclosure of beneficiary information



### 1.3 Target Audience

- The Pooled Registered Cash Accounts Industry Best Practices apply to all organizations that play a role in nominee brokered deposit industry and are involved in the process for placing client funds in deposit products held at MIs, including:
  - Trust Companies (TrustCos) and other authorized entities that issue registered plans with the federal Minister of National Revenue as laid out in the *Income Tax Act*
  - Broker/Dealer firms, Carrying Broker/Dealer firms and Introducing Broker/Dealer firms (collectively "brokerage firms")
  - CDIC MIs
  - Data Service Providers that support brokerage firms and MIs
  - Relevant regulatory bodies (federal or provincial)
  - Other organizations that deal in nominee brokered deposits such as mutual fund companies, insurance companies, etc.



### 1.4 What is a Pooled Registered Cash Account?

- Cash held in pooled accounts reflects uninvested positions of an individual planholder's assets held in a registered plan and is used to facilitate various deposit/investment activities for clients of nominee brokers
  - The pooled accounts are transactional in nature
  - The pooled accounts "sweep" uninvested cash from different registered plan types (i.e., RRSP, TFSA, RRIF)
  - The pooled accounts are held in multiple currency
  - The pooled cash accounts are often held at CDIC MIs
- Under provincial rules, nominee brokers are required to hold uninvested cash from registered plan assets in segregated trust accounts at an approved institution. However, the account itself holding these deposits is not a "registered" account (i.e., not an account that is separately governed by any plan/trust agreement registered with the CRA)
- Provincial Self-Regulatory Organizations (SROs) set out rules allowing arrangements to exist between nominee brokers and approved institutions (which often are TrustCos) concerning the administration of registered plan assets, including roles and responsibilities over an individual plan holder's assets

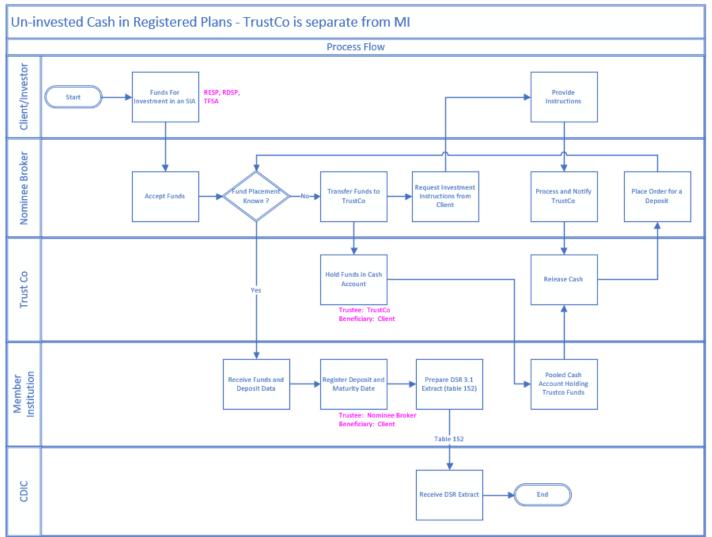


## 1.5 What is the Current Pooled Registered Cash Account Process?

- Provincial rules require nominee brokers to "sweep" any registered cash amounts held by the broker at the end of each day into a segregated trust account
- For IIROC dealers, these funds are held as trust deposits and are placed through a designated trust company, which is also the trustee of the registered plan under which the funds are held for the broker client
  - Some TrustCos segregate trust accounts by nominee broker but not by SIA type
- For MFDA dealers, these funds are held in designated trust account at a financial institution. The trustee of the registered plan under which the funds are held can be a TrustCo or the MFDA dealer if he/she chooses to act as the trustee of the registered plan under which the funds are held for the client
- The funds are transferred back to the nominee broker when the client instructs the broker to place the funds in an investment product and to allow for the purchase of the product by the broker to be completed. The following slide provides a process flow for the pooled registered cash account



### 1.6 Current Pooled Registered Cash - Process Flow





2. Approaches for Disclosing Beneficiary Information for Pooled Registered Cash Accounts under the *CDIC Act* 



### 2.1 How do the *CDIC Act* Requirements Apply to Different Trustees

- CDIC protects eligible deposits held in trust separately from other deposits held by the trustee or a beneficiary in their own name at the same MI, provided certain conditions are met
  - One of the conditions is that there is valid trust (established with or without formal documentation) as determined under the laws of the province or territory in which the trust is established
  - As such, CDIC does not decide whether something is a trust, trust rules do



# 2.1 How do the *CDIC Act* Requirements Apply to Different Trustees (Cont'd)

- Provincial rules determine who can act as trustee for pooled registered cash accounts; the rules can differ for different types of broker/dealer
- <u>IIROC rules</u>: pooled registered cash accounts are typically held in trust by an approved trust company (TrustCo) who is the trustee for clients of an IIROC dealer
  - Responsibility to meet CDIC Act trust requirements for funds held in pooled registered cash accounts rests with the TrustCo, who must ensure that the correct beneficiary information is disclosed to the MI holding the pooled account
- MFDA rules: pooled registered cash accounts are typically held in trust by the MFDA dealer (the trustee) for their own clients (the beneficiaries)
  - Responsibility to meet CDIC Act trust requirements for funds held in pooled registered
    cash accounts rests with the MFDA dealer, who must ensure that the correct
    beneficiary information is disclosed to the MI holding the deposit



## 2.2 *CDIC Act* Requirements and Pooled Registered Cash Account

- As pooled registered cash accounts are swept into segregated trust accounts, they are <u>not considered nominee brokered deposits</u> for the purposes of the *CDIC* Act.
- Rather, they are treated as regular trust deposits and are therefore subject to the CDIC Act trust deposit rules for deposit insurance coverage, including key beneficiary disclosure rules
- Responsibility to meet the CDIC Act requirements for funds held in pooled registered cash accounts rests with the trustee
  - CDIC calculates deposit insurance based on the information held at CDIC member institutions, subject to trust deposit rules set out in the CDIC Act and Bylaws

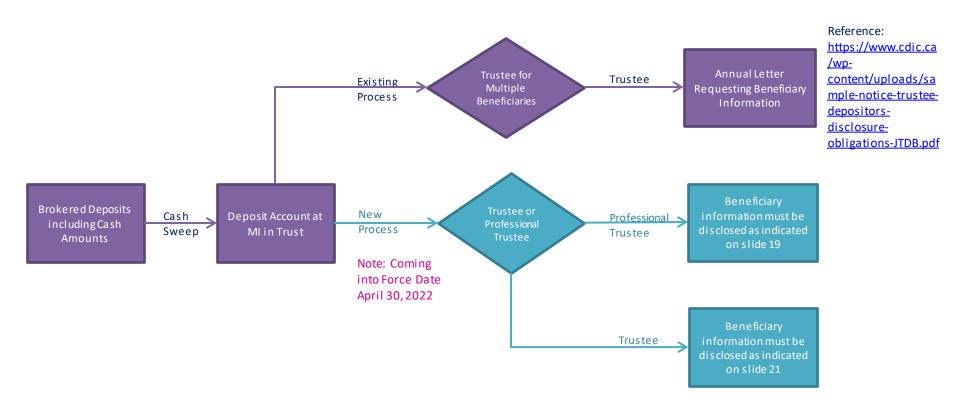


## 2.2 *CDIC Act* Requirements and Pooled Registered Cash Account (Cont'd)

- Trustees can choose from two approaches for disclosing beneficiary information:
  - A Professional Trust Account Approach, or
  - A Trust Account Approach
- It is possible that some pooled registered cash accounts are treated as professional trust accounts, while others as regular trust accounts
  - The decision will depend on technology, internal systems and the capability of sourcing beneficiary information in real time
- The process flow on the following slide depicts the two categories of trust accounts and highlights unique disclosure requirements under the categories



# 2.3 Approaches to Disclosure of Beneficiary Information





# 2.4 Disclosing Beneficiary Information for Pooled Registered Cash Account under the *CDIC Act*: Professional Trustee Accounts

- For the purposes of pooled registered cash accounts, a TrustCo or an MFDA dealer acting as a trustee can be an eligible professional trustees.
  - They can choose to benefit from the professional trustee approach for beneficiary information by choosing to designate <u>some or all</u> the accounts as professional trustee accounts
- There are specific rules professional trustees must follow to ensure the funds held in trust for beneficiaries receive as much CDIC protection as possible.
- Maintaining pooled registered cash accounts as a professional trust accounts will have implications on MIs. The table on the following slide lays out disclosure requirements for professional trustees and MIs



### 2.4.1 Disclosure Requirements for Professional Trustee Accounts

#### **Professional Trustee Obligations**

Trustee takes proactive step to communicate PTA designation of pooled registered cash account to CDIC MIs:

- Qualify as a Professional Trustee
- Hold a Deposit Account "In Trust" at a CDIC Member Institution
- Designate an Account as a "Professional Trustee Account" with the Member Institution
- Complete Required Attestation & Provide your Contact Information
- Meet Ongoing Obligations as a Professional Trustee
- Annually Re-attest to Professional Trustee Status

For additional details visit <a href="https://www.cdic.ca/wp-content/uploads/what-you-need-to-know-professional-trustees.pdf">https://www.cdic.ca/wp-content/uploads/what-you-need-to-know-professional-trustees.pdf</a>

#### **MI Obligations**

PTA designation for a registered cash account imposes requirements on MIs holding the deposits:

- Record PTA and trust information in their records and report as such under DSR 3.1
- Provide annual attestation notification to the Professional Trustee and update records as required
- Report full value of registered cash account to CDIC as insured deposit

For additional details about DSR 3.1 visit <a href="https://www.cdic.ca/wp-content/uploads/DSR-Data-and-system-Requirements-version-3.1.pdf">https://www.cdic.ca/wp-content/uploads/DSR-Data-and-system-Requirements-version-3.1.pdf</a>



# 2.5 Disclosing Beneficiary Information for Pooled Registered Cash Account under the *CDIC Act*: Trust Accounts

- For the purposes of pooled registered cash accounts, a TrustCo or an MFDA dealer acting as a trustee may choose to may also maintain these accounts as regular/general trust deposits (aka Trust Accounts)
- There are specific rules trustees a must follow to ensure the funds held as general trust for beneficiaries receive as much CDIC protection as possible
- Maintaining pooled registered cash accounts as a general trust, will have implications on MIs. The table on the following slide lays out disclosure requirements for trustees and MIs



### 2.5.1 Disclosure Requirements for Trust Accounts

Trustee Obligations	MI Obligations			
Trustee maintains the registered cash account as a regular trustee deposit:	MIs must amend systems to capture beneficiary and deposit information and for registered cash accounts:			
<ul> <li>Indicate the deposit is held in trust</li> <li>Meet the Trustee Disclosure Requirements</li> </ul>	<ul> <li>Receive and record specific beneficiary information for pooled registered cash accounts on an ongoing basis</li> </ul>			
<ul> <li>Provide Updated Information (i.e., name, address, beneficiary share/interest in deposit)</li> </ul>	<ul> <li>Receive and record SIA types for pooled registered cash accounts on an ongoing basis</li> </ul>			
For details visit <a href="https://www.cdic.ca/wp-content/uploads/what-you-need-to-know-trustees.pdf">https://www.cdic.ca/wp-content/uploads/what-you-need-to-know-trustees.pdf</a>	<ul> <li>Report beneficiary and SIA type information provided by the trustee under DSR 3.1</li> </ul>			
	<ul> <li>Continue to meet annual requirement to send notification to update beneficiary information</li> </ul>			



# 3. CDIC's Aggregation Rules for Pooled Registered Cash Account



### 3.1 Deposit Insurance Aggregation Rules

- For the purposes of the CDIC insurance framework, CDIC insures the depositor.
   CDIC relies on the records of MIs to identify the depositor and determine deposit insurance coverage
- Generally, deposits owned/held by the same depositor in the same deposit insurance category are aggregated for the purposes of calculating deposit insurance coverage
- In the case of SIA deposits, CDIC would aggregate all deposits placed by the trustee for the same beneficiary
- For examples of how deposit insurance is calculated for pooled registered cash accounts, please see Appendix A and B



# 4. For Member Institutions: MI Data Requirements and CDIC's Expectations



## 4.1 Information for MI: Reporting Pooled Registered Cash Account in the DSR

- If an MI should fail, CDIC may be obliged to make payments to depositors in accordance with deposit insurance rules.
  - To determine the amounts owing, CDIC would access deposit liability information from the failed MI's systems
- CDIC's current Data and System Requirements (DSR) which is applicable to MIs, allow for only one SIA type (aka: Insurance Determination Category Type/IDCT) and only one currency per account
  - This could pose a challenge for any deposit that is comprised of more than one SIA type or more than one currency
- It is recommended that industry participants take note of the DSR requirements and design/adjust their systems in a way that supports both disclosure options, as per information contained on slides 19 and 21
- Failure to report the necessary beneficiary information (i.e., name, address, beneficiary share/interest in the deposit) could result in a reduction or loss of deposit insurance coverage



## Appendix A – Applying CDIC Aggregation Rules: IIROC Dealer

#### IIROC Rules: TrustCo is the Trustee; IIROC Dealer is administrator for the TrustCo

- GTC (the TrustCo) is the trustee for the funds and the depositor with CDIC member institution MI1
- Client Robin Smith holds an RRSP at dealer IBC 1, and another at dealer IBC 2, and a TFSA at dealer IBC 2 and another at dealer IBC 3. Dealer IBC 1, dealer IBC 2, and dealer IBC 3 act as administrator for the TrustCo
- GTC opens a pooled cash trust account for each dealer and deposits uninvested cash into those accounts on behalf of clients.
- Robin Smith has \$60k of uninvested cash in each of her RRSP and TFSA accounts at each dealer
- Dealer IBC 1 will deposit \$60k into its account, dealer IBC 2 will deposit \$120k into its account and dealer IBC 3 will deposit \$60k into its account in Robin Smith's name



# Appendix A – Applying CDIC Aggregation Rules: IIROC Dealer (Cont'd)

Client Account	Client	Amount	Plan Type		TrustCo/ Depositor	Cash Sweep Trust Account	CDIC MI	Aggregation Rule	Total Amount of Deposit in Plan Type	CDIC Deposit Coverage	Uninsured	
375-111	Robin Smith	\$60K	RRSP	IB1	GTC	IB1-7744	MI1	Aggregate by MI by SIA type Combine balances				
375-555	Robin Smith	\$60K \$60K	TFSA RRSP	IB2	GTC	IB2-7755	MI1	of IB1, IB2 and RRSP that is in accounts IB1-7744 and IB2-7755  Combine balances of IB2, IB3 and TFSA that is in accounts IB2-7755 and IB3-7766	RRSP that is in accounts IB1-7744 and IB2-7755  Combine balances of IB2, IB3 and TFSA that is in accounts IB2-7755	7744 RRSP: \$120K 55 TFSA: \$120 K nnces nd sin 7755		RRSP: \$20K TFSA:\$20K
375-888	Robin Smith	\$60K	TFSA	IB3	GTC	IB3-7766	MI1					



## Appendix B – Applying CDIC Aggregation Rules: MFDA Dealer

#### MFDA Rules: MFDA dealer is the Trustee

- MI1 is acting as a deposit taking institution for multiple MFDA dealers
- MI1 opens pooled cash accounts for dealers MFC 1, MFC 2 and MFC 3
- Ted Anderson holds an RRSP at each of dealers MFC 1, MFC 2, and MFC 3, and has \$80k of uninvested cash in each RRSP
- As each mutual fund company is acting as the trustee and depositor, there is no requirement to aggregate across pooled accounts under the CDIC Act



# Appendix B – Applying CDIC Aggregation Rules: MFDA Dealer (Cont'd)

Client Account	Client	Amount	Plan Type	Dealer/ Agent	TrustCo/D epositor	Cash Sweep Trust Account	CDIC MI	Aggregation Rule	Total Amount of Deposit in Plan Type	CDIC Deposit Coverage	Uninsured
375-111	Ted Miller	\$80K	RRSP	MFC1	MFC1	MFC1-7744	MI1	Treat funds in each sweep trust account as separate given each dealer is a unique depositor with CDIC MI	\$80K RRSP MFC2-7755: \$80K RRSP MFC2-7755: \$80K RRSP MFC3-7766:	RRSP MFC1: \$100 K RRSP MFC2: \$100 K RRSP MFC3:	
375-555	Ted Miller	\$80K	RRSP	MFC2	MFC2	MFC2-7755	MI1				Uninsured: \$0
375-888	Ted Miller	\$80K	TFSA	MFC3	MFC3	MFC3-7766	MI1		<b>-</b>	\$80K	\$100 K



# Appendix C – DSR data flow to report pooled registered cash accounts under [General] Trust Account Disclosure Requirements: IIROC Dealer

#### Table 100

Depositor Unique ID	Name
4567GTCIB1-AG	IB1
4568GTC-TR	GTC
4567GTCIB2-AG	IB2
4567GTCIB3-AG	IB3

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Name	SIA Flag	Interest in Deposit Flag	Interest in Deposit
Smith, Robin	Υ	А	60,000
Smith, Robin	Υ	А	60,000
Smith, Robin	Υ	А	60,000
Smith, Robin	Υ	А	60,000
	Smith, Robin Smith, Robin Smith, Robin	Smith, Robin Y Smith, Robin Y Smith, Robin Y	Smith, Robin Y A Smith, Robin Y A Smith, Robin Y A

#### Table 500

Depositor Unique ID	Account Uniq ue ID	Relationship	Primary Accou nt Holder Flag	Payee F lag
4567GTCIB1-AG	375-111	Agent		N
4568GTC-TR	375-111	Trustee		Υ
4567GTCIB2-AG	375-555.1	Agent		N
4568GTC-TR	375-555.1	Trustee		Υ
4567GTCIB2-AG	375-555.2	Agent		N
4568GTC-TR	375-555.2	Trustee		Υ
4567GTCIB3-AG	375-888	Agent		N
4568GTC-TR	375-888	Trustee		Υ

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Account Unique ID	Trust Account T ype Code	Account Balance	Plan Type	Insurance terminati ategory (	ion C	MI Issued Regi stered Account Flag	MI Related Deposit Flag
375-111	2	60,000	RRSP	5		Υ	Υ
375-555.1	2	60,000	RRSP	5		Υ	Υ
375-555.2	2	60,000	TFSA	7		Υ	Υ
375-888	2	60,000	TFSA	7		Υ	Υ

Of note, for pooled registered cash accounts, interest in deposit must be provided for CDIC to determine deposit insurance coverage per beneficiary

Brokered Deposit Advisory Group



# Appendix D— DSR data flow to report pooled registered cash accounts under Professional Trustee Account Disclosure Requirements: IIROC Dealer

Table 100

Depositor Unique II	) Name
4567GTCIB1-AG	IB1
4568GTC-TR	GTC
4567GTCIB2-AG	IB2
4567GTCIB3-AG	IB3

Table 130	
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Account Unique ID	Trust Account Type Code	Account Balance	Plan Type	Insurance Determinat ion Category Code. If known assigned correct.	Insurance Determination Category Code. If unknown, assign 4	MI Issued Register ed Account Flag	MI Related Deposit Flag
375-111	4	60,000	RRSP	5	4	Υ	Υ
375- 555.1	<mark>4</mark>	60,000	RRSP	5	4	Υ	Υ
375- 555.2	<mark>4</mark>	60,000	TFSA	7	4	Υ	Υ
375-888	4	60,000	TFSA	7	4	Υ	Υ

#### Table 500

Depositor Unique ID	Account Unique ID	Relationship	Primary Account Holder Flag	Payee Flag
4567GTCIB1-AG	375-111	Agent		N
4568GTC-TR	375-111	Trustee		Υ
4567GTCIB2-AG	375-555.1	Agent		N
4568GTC-TR	375-555.1	Trustee		Υ
4567GTCIB2-AG	375-555.2	Agent		N
4568GTC-TR	375-555.2	Trustee		Υ
4567GTCIB3-AG	375-888	Agent		N
4568GTC-TR	375-888	Trustee		Υ

Of note, if trustee provides the SIA type, MIs are strongly encouraged to record that information under the appropriate insurance determination category.

If trustee does not provide the SIA type, MI must assign the professional trustee account category.



Appendix E –DSR data flow to report pooled registered cash accounts under [General] Trust Account Disclosure Requirements: MFDA Dealer

#### Table 100

456MFC2-TR

789MFC3-TR

Depositor Unique ID	Name
123MFC1-TR	MFC1
456MFC2-TR	MFC2
789MFC3-TR	MFC3

375-555

375-888

Table 500				
Depositor Unique ID	Account Unique ID	Relationship	Primary Account Holder Flag	Payee Flag
123MFC1-TR	375-111	Trustee		Υ

Trustee

Trustee

#### Table 152

Account Unique ID	Name	SIA Flag	Interest in Deposit Flag	Interest in Deposit
375-111	Miller, Ted	Υ	А	80,000
375-555	Miller, Ted	Υ	А	80,000
375-888	Miller, Ted	Υ	А	60,000

Of note, for pooled cash accounts, interest in deposit must be provided for CDIC to determine depositinsurance coverage per beneficiary

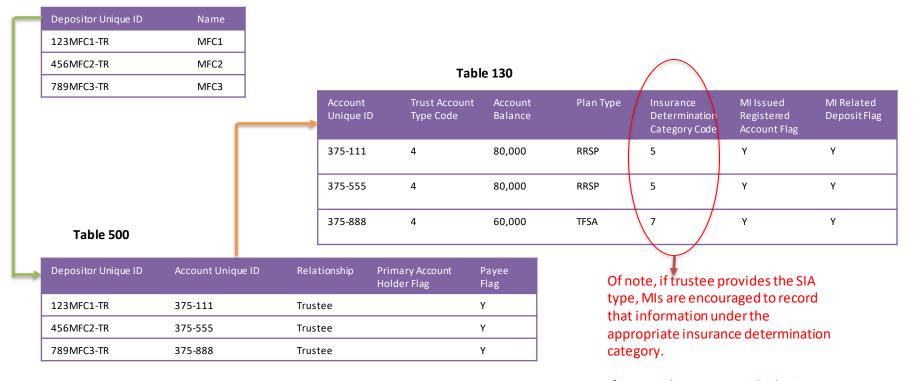
#### Table 130

Account Unique ID	Trust Account Type Code	Account Balance	Plan Type	Insurance Determination Category Code	MI Issued Registered Account Flag	MI Related Deposit Flag
375-111	2	80,000	RRSP	5	Υ	Υ
375-555	2	80,000	RRSP	5	Υ	Υ
375-888	2	60,000	TFSA	7	Υ	Υ



# Appendix F –DSR data flow to report pooled registered cash accounts under Professional Trust Disclosure Requirements: MFDA Dealer

Table 100



If trustee does not provide the SIA type, MI must assign the professional trust category, 4.



### Appendix G - Acronyms

- BDAG Broker Deposit Advisory Group
- CDIC Act Canada Deposit Insurance Corporation Act
- CDIC Canada Deposit Insurance Corporation
- COTDB Co-owned and Trust Deposit Disclosure By-law
- CRA Canada Revenue Agency
- DSR Data and System Requirements
- IIROC Investment Industry Regulatory Organization of Canada
- MFDA Mutual Fund Dealers Association of Canada
- MI Member Institution of CDIC

- PT Professional Trustee
- PTA Professional Trustee Account
- PTDR Professional Trustee Data Requirement
- RRIF Registered Retirement Income Fund
- RRSP Registered Retirement Savings Plan
- SIA Special Income Arrangement
- SRO Self-Regulated Organization
- TFSA Tax-Free Savings Account
- TrustCo Trust Company

Brokered Deposit
Advisory Group
BDAG

Groupe consultatif sur les dépôts de courtiers
GCDC