

Additional Guidance from the LEI ROC on Portability

Introduction

Earlier this year, the LEI ROC commissioned the Committee on Evaluation and Standards to prepare additional guidance for portability of LEIs among endorsed pre-LOUs, following feedback from some pre-LOUs that the method to be used was not clear.

The ROC has endorsed the proposals and recommendations of the CES in regard to the portability process. This note provides the guidance and process to be followed by pre-LOUs, as set out in the Annex below. The recommendations have benefited from input and feedback from pre-LOUs.

It also has come to the attention of the LEI ROC that in some cases, an entity with an LEI maintained by a pre-LOU outside the country or other legal jurisdiction where the entity is located or chartered believes that it needs to acquire a new LEI from a local pre-LOU, when such a provider becomes available. This is entirely incorrect: **an entity should only acquire an LEI if it does not already have one.** If an entity wishes to register with a pre-LOU other than the one with which it originally registered, it should request the desired pre-LOU to initiate an action to port the maintenance of the entity's reference data from the original pre-LOU to the new one. In this process, the LEI itself, including the four-digit prefix assigned to the pre-LOU that originally registered the entity, will remain unchanged. The prefix, which some appear to believe has national or other persistent meaning, is only an operational convenience intended to minimise the possibility of duplication of codes within the federated system of pre-LOUs.



Additional clarification on porting procedure

I. Introduction:

The portability of LEIs between pre-LOUs is a key principle for the Global LEI System¹. This Annex sets out the recommended process to be followed by pre-LOUs for the portability of LEIs.

The principles for Pre-LOUs set out in “Principles to be Observed by Pre-LOUs that Wish to Integrate into the Interim Global Entity Identifier System (GLEIS)” should be observed².

In particular, the ROC confirms that a “one stop shop” process should remain the basic approach – i.e. that a customer requesting a port should make one request to the pre-LOU that it wishes to maintain the registration after the porting.

II. Process steps to be followed by pre-LOUs for the portability of LEIs.

1. A Customer submits a request to the Receiving pre-LOU³ to have their record ported. The request should include a waiver to the Receiving pre-LOU to forward the email address of the representative of the customer requesting the port to the Sending pre-LOU and a waiver for the Sending pre-LOU to pass on this information to their existing customer contact for the entity.

¹ Recommendation 5 of the G20 endorsed FSB report “ A Global Legal Entity Identifier for Financial Markets” June 2012

http://www.leiroc.org/publications/gls/roc_20120608.pdf

² http://www.leiroc.org/publications/gls/lou_20130727.pdf

³ The Receiving pre- LOU is the pre-LOU to which the record will be ported. The Sending pre-LOU is the pre-LOU where the record resides prior to the porting request. Contact details for pre-LOUs are available at http://www.leiroc.org/publications/gls/lou_20131003_2.pdf

2. Receiving pre-LOU receives documentation from customer and enters the transfer request in their system.

3. Receiving pre-LOU sends a request to Sending pre-LOU with documentation including the email of the contact person requesting the porting. The Sending pre-LOU sends a confirmation of receipt of the request to the Receiving pre-LOU.

4. Sending pre-LOU notifies the Customer that porting will be undertaken after 5 working days if no objection is received. It is strongly recommended that in case the contact person of the Sending pre-LOU for the entity requesting the port differs from the contact person of the Receiving pre-LOU that has requested the port, that the contact information (eg the email-address of the person requesting the porting) is included in the notification.

5. In case no objection is received after the 5 working days (mentioned in step 4) the Sending pre-LOU confirms this to the Receiving pre-LOU. The Receiving pre-LOU validates the client record.

- ❖ In case an objection is received, the Sending pre-LOU informs the Receiving pre-LOU of the objection including the (e-mail) contact details of the person objecting to the porting. The objection must include a waiver to the Sending pre-LOU to enable the transmission of the email address of the customer representative objecting to the porting to the representative of the customer requesting the porting. Receiving pre-LOU notifies their contact person of the objection including the contact information of the objecting person. If the customer confirms their porting-request and the objection is withdrawn the porting process can continue with step 6.

6. Receiving pre-LOU completes the transfer in three working days and activates the customer record on their system and informs the Sending pre-LOU so that the record is no longer active. It is strongly recommended that no customer has an active record in two pre-LOUs at the same time.