

## Chapter 9A

### Suitability (MiFID and insurance-based investment products provisions)

		<div><div></div><div>9A.4</div><div>Record keeping and retention periods for suitability records</div></div>
		<div><div>Record keeping: MiFID business and insurance-based investment products</div><div></div></div>
9A.4.1	G	<p>A <i>firm</i> to which ■ SYSC 9 applies is required to keep orderly records of its business and internal organisation (see ■ SYSC 9 (General rules on record-keeping)). The records may be expected to reflect the different effect of the requirements in this chapter depending on whether the <i>client</i> is a <i>retail client</i> or a <i>professional client</i>; for example, in respect of information about the <i>client</i> which the <i>firm</i> must obtain and whether the <i>firm</i> is required to provide a <i>suitability report</i>.</p>
9A.4.2	G	<p>A <i>firm</i> should refer to ■ SYSC 3.2 and ■ SYSC 3.3 (for insurers and managing agents) and ■ SYSC 9 (for other <i>firms</i>) for its obligations in relation to record keeping.</p> <p>[Note: article 16(7) of <i>MiFID</i>]</p>
		<div><div>Retention of records: insurance-based investment products</div><div></div></div>
9A.4.3	R	<p>(1) Without prejudice to the application of the <i>General data protection regulation</i>, a <i>firm</i> must maintain records of the assessment of suitability in relation to <i>insurance-based investment products</i> undertaken in accordance with ■ COBS 9A.2.1R and ■ COBS 9A.2.16R.</p> <p>(2) The records maintained under (1) must include the information obtained from the <i>client</i> and any documents agreed with the <i>client</i>, including documents that set out the rights of the parties and the other terms on which the <i>firm</i> will provide services to the <i>client</i>.</p> <p>(3) The records must be retained for at least the duration of the relationship between the <i>firm</i> and the <i>client</i>.</p> <p>[Note: article 19(1) of the <i>IDD Regulation</i>]</p>
		<div><div>Record-keeping obligations for the assessment of suitability: insurance-based investment products</div><div></div></div>
9A.4.4	R	<p>In the case of an assessment of suitability undertaken in accordance with ■ COBS 9A.2.1R and ■ COBS 9A.2.16R in relation to <i>insurance-based investment products</i>, the record maintained under ■ COBS 9A.4.3R must include the following:</p> <p>(1) the result of the suitability assessment;</p>

- (2) the recommendation made to the *client* and the statement provided in accordance with ■ COBS 9A.3.3AR;
- (3) any changes made by the *firm* with regard to the suitability assessment, in particular any change to the *client's* risk tolerance;
- (4) any changes to the underlying investment assets.

[Note: article 19(2) of the *IDD Regulation*]