

CERTIFICATION REGARDING CORRESPONDENT ACCOUNTS FOR FOREIGN BANKS

[OMB CONTROL NUMBER 1506-0043]

*The information contained in this Certification is sought pursuant to Sections 5318(j) and 5318(k) of Title 31 of the United State Code, as added by sections 313 and 319(b) of the USA PATRIOT Act of 2001 (Public Law 107-56).*

This Certification should be completed by any **foreign bank** that maintains a **correspondent account** with any U.S. bank or broker-dealer in securities (a **covered financial institution** as defined in 31 CFR 1010.605(e)). An entity that is not a foreign bank is not required to complete this Certification.

A **foreign bank** is a bank organized under foreign law and located outside of the United States (see definition at 31 CFR 1010.100(u)). A **bank** includes offices, branches, and agencies of commercial banks or trust companies, private banks, national banks, thrift institutions, credit unions, and other organizations chartered under banking laws and supervised by banking supervisors of any state (see definition at 31 CFR 1010.100(d)).

A **correspondent account** for a foreign bank is any account to receive deposits from, make payments or other disbursements on behalf of a foreign bank, or handle other financial transactions related to the foreign bank.

*Special instructions for foreign branches of U.S. banks:* A branch or office of a U.S. bank outside the United State is a foreign bank. Such a branch or office is not required to complete this Certification with respect to Correspondent Accounts with U.S. branches and offices of the same U.S. bank.

*Special instructions for covering multiple branches on a single Certification:* A foreign bank may complete one Certification for its branches and offices outside the United States. The Certification must list all of the branches and offices that are covered and must include the information required in Part C for **each** branch or office that maintains a Correspondent Account with a Covered Financial Institution. Use attachment sheets as necessary.

**A.** The undersigned financial institution identified in the attachment to this certification (collectively "Capital One Entities" and individually a "Capital One Entity") hereby certify as follows: <sup>1</sup>

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<sup>1</sup> A "foreign bank" does not include any foreign central bank or monetary authority that functions as a central bank, or any international financial institution or regional development bank formed by treaty or international agreement.

**B. Correspondent Accounts Covered by this Certification** This Certification applies to **all** accounts established for Capital One Entities by Covered Financial Institutions.

**C. Physical Presence/Regulated Affiliate Status**

Capital One Entities maintain a physical presence in the countries noted in the attachment. That means:

- Each Capital One Entity has a place of business at the street address provided for it in the attachment where it employs one or more individuals on a full-time basis and maintains operating records related to its banking activities.
- The addresses identified for each Capital One Entity are in countries where each Capital One Entity is authorized to conduct banking activities.
- Each Capital One Entity is subject to inspection by the banking authority identified in the attachment, which is the banking authority that licensed the Capital One Entity to conduct banking activities.

**D. Indirect Use of Correspondent Accounts** No Correspondent Account maintained by a Covered Financial Institution may be used to indirectly provide banking services to certain foreign banks. The Capital One Entities hereby certify that they do **not** use any Correspondent Account with a Covered Financial Institution to indirectly provide banking services to any foreign bank that does not maintain a physical presence in any country and that is not a regulated affiliate.

**E. Ownership Information**

The Capital One Entities shares are directly or indirectly owned by Capital One Financial, the shares of which are publicly traded. Publicly traded means that the shares are traded on an exchange or an organized over-the-counter market that is regulated by a foreign securities authority as defined in section 3(a)(50) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(50)).

**F. Process Agent**

Capital One Financial Corporation is a resident of the United States and is authorized to accept service of legal process on behalf of the Capital One Entities from the Secretary of the Treasury or the Attorney General of the United States pursuant to Section 5318(k) of title 31, United States Code at the following address: Capital One Financial Corporation, Legal Department - Subpoena Fulfillment, 15000 Capital One Drive, Richmond, Virginia 23238.

## **G. General**

The Capital One Entities hereby agrees to notify in writing each Covered Financial Institution at which it maintains any Correspondent Account of any change in facts or circumstances reported in this Certification. Notification shall be given within 30 calendar days of such change.

The Capital One Entities understand that each Covered Financial Institution at which they maintain a Correspondent Account may provide a copy of this Certification to the Secretary of the Treasury and the Attorney General of the United States. The Capital One Entities further understand that the statements contained in this Certification may be transmitted to one or more departments or agencies of the United States of America for the purpose of fulfilling such departments' and agencies' governmental functions.

I, James A. Candelmo, certify that I have read and understand this Certification, that the statements made in this Certification are complete and correct, and that I am authorized to execute this Certification on behalf Capital One Entities.

James A. Candelmo, Chief Anti-Money Laundering Officer  
Capital One Financial Corporation

ATTACHMENT

NAME	STREET ADDRESS	COUNTRY	BANKING AUTHORITY
Capital One Bank (USA) National Association - Canada Branch	5140 Yonge Street, Toronto M2N 6L7	Canada	Office of the Superintendent of Financial Institutions
Capital One Bank (Europe) Plc.	350 Euston Road, London NW1 3JJ	United Kingdom	Financial Services Authority