

Swiss bank accounts and investments

HM Revenue & Customs (HMRC) has obtained information relating to holders of Swiss bank accounts and investments under the terms of the UK/Swiss Agreement on Tax Cooperation, which came into force on 1 January 2013.

The guide provides information to help you when you want to tell HMRC about your Swiss bank accounts and other offshore investments. These notes are for guidance only and reflect the position at the time of writing. They do not affect any right of appeal.

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A chance to disclose your Swiss bank accounts and investments

Introduction

There is nothing wrong with holding bank accounts or investments in Switzerland, or outside the UK, as long as any UK tax that is due in respect of them is paid.

Under the terms of the UK/Swiss Agreement on Tax Cooperation, HMRC have obtained information relating to people who hold Swiss bank accounts and other investments.

If HMRC have written to you in relation to this agreement it is because the information that HMRC has received indicates that you hold, or have previously held, Swiss accounts and/or investments and HMRC need to ensure that any UK tax which is due has been paid.

If you have not paid all of the UK tax that is due, the letter that HMRC has sent you provides you with the chance to tell HMRC about the accounts and investments, and to pay any UK tax that should have been paid.

When someone tells HMRC about tax that they owe in this way, it is called 'making a disclosure'.

If you have received a letter from HMRC about your Swiss bank account or other investments, you should read the information in this guide to find out what to do next.

If you decide that you need to make a disclosure you should not restrict the information you tell HMRC to your Swiss bank accounts and investments. You should tell them about all of your bank accounts and investments wherever they are held if they have not previously been disclosed. You should also tell HMRC about any other income which is taxable in the UK that you have not already disclosed.

Please note: HMRC is unlikely to accept a disclosure that is made by a person suspected of being involved in organised crime against HMRC, (including VAT missing trader intra-community (MTIC) carousel fraud, VAT bogus registration repayment fraud, Income Tax repayment fraud or organised tax credits fraud) and those involved in any wider criminality.

[Read HMRC's criminal investigation policy](#)

What to do if you have already told HMRC about all your income and have no disclosure to make

If you have no outstanding UK tax liabilities, either because you have already told HMRC about all sources of income or because those sources of income do not give rise to any outstanding tax liability in the UK, and you have no disclosure to make, you should complete Certificate A. There is more information about this in the section 'Which certificate you should complete?'.

What happens if you have a disclosure to make and choose not to do so?

If HMRC doesn't receive a completed certificate by the given date, they may start an investigation into your tax affairs. If they do this, they will write to let you know when their

investigation has started. However, if they are going to carry out a criminal investigation, they will not let you know in advance.

What if HMRC is already carrying out a check of your tax affairs?

If HMRC has already told you that they are carrying out a check of your tax affairs then you should phone the helpline on the number shown on the letter they sent you about your Swiss accounts and investments.

The Liechtenstein Disclosure Facility

This guide refers to the Liechtenstein Disclosure Facility (LDF) which is a separate disclosure opportunity that is open only to people with investments in Liechtenstein. You may have less to pay by using the LDF, as it offers a fixed 10 per cent penalty, but there are other aspects of the LDF that you would need to take into consideration. It's for you to decide whether to use the LDF, and you may want to consult a tax adviser before deciding.

[Read more about the LDF](#)

Notifying your intention to make a disclosure

The letter HMRC sent you includes three different certificates for you to choose from. You need to decide which certificate suits your circumstances, then complete and send it to HMRC. The letter also gives you the date by which you must send HMRC your certificate.

Which certificate should you complete?

Certificate A - no disclosure to make

Use this if you have no outstanding UK tax liabilities, either because you have already told HMRC about all sources of income that are taxable in the UK or because those sources of income did not give rise to any outstanding UK tax liability..

If you complete Certificate A, HMRC will confirm whether the statement you make is correct by checking it against the information that they hold. If HMRC finds that the statement you've made doesn't match the information held, they may begin an investigation into your tax affairs.

Certificate B - disclosure to be made under the LDF

Use this if you have a disclosure to make and you **will** be making your disclosure as part of the LDF. If you complete and send Certificate B to HMRC, they will check that you have registered to make a disclosure under the LDF.

Certificate C - disclosure to be made outside of the LDF

Use this if you have a disclosure to make and you **will not** be making it as part of the LDF.

By completing Certificate C you are committing yourself to making a full disclosure to HMRC.

When you make a full disclosure you'll have to pay any tax you owe, together with both of the following:

- interest ,as you are paying the tax after it was originally due
- any penalty that is due

If you send HMRC Certificate C to tell them that you want to make a disclosure, they will write to you confirming receipt. They will also tell you the name and contact details of the HMRC officer who will be your point of contact when making your disclosure, or if you have any questions. HMRC will also contact you to agree a date by which your disclosure will be made, and to find out whether it will be made by you or your representative.

Will I be prosecuted if I tell HMRC about tax offences in my disclosure?

HMRC cannot guarantee that you will not be prosecuted for any tax offences that you tell them about in your disclosure. Please refer to HMRC's criminal investigation policy which is referred to within this guidance.

Making your disclosure (where you have completed Certificate C)

What a disclosure must contain

Your disclosure must contain **all** of the following:

1. Your full name, address and date of birth.
2. Your 'unique identifying reference' (which is shown on Certificate C).
3. Your National Insurance number and your Unique Taxpayer Reference (if you have one).
4. Full contact details for your professional adviser (if you have one).
5. A payment on account covering all your tax liabilities.
6. Full details of your disclosure, which must include:
 - An explanation of the source of the funds deposited into any previously undisclosed bank account(s).
 - An explanation of the source of the funds used for any previously undisclosed investments and/or assets.
 - An explanation of the source of any funds deposited into any previously disclosed accounts if the source of the deposits is a previously undisclosed one that is liable to UK tax.
 - Details of the amounts of all previously undisclosed tax liabilities:
 - For a 'natural' person, this must cover the last 20 UK tax years, or all the years where there are undisclosed liabilities if this is less than 20 years.
 - For a 'legal' person (such as a company) this must cover the relevant accounting periods for the last 20 UK tax years, or all the tax years where there are undisclosed liabilities if this is less than 20 years.

You may use estimated figures where you don't know the actual tax liability, but you will need to supply suitable evidence to support your estimates.

- Information showing how you have calculated your overall tax liability. This may best be presented in the form of a disclosure report. If you have a tax adviser, they will tell you more about this.

- Details of 'late payment' interest due in respect of all previously undisclosed liabilities. Interest will be due because the tax is being paid later than the date it was originally due. If you would like HMRC to calculate the interest for you, you will need to supply details of the tax liability, split between Income Tax, Corporation Tax, Capital Gains Tax, VAT, Inheritance Tax, National Insurance contributions, and any other tax or duty. HMRC needs this information because there are different due dates for different taxes.
7. A statement showing your worldwide assets and liabilities as at 5 April 2013.
 8. Details of all offshore bank accounts that were open at:
 - 5 April 2013
 - any time during the period covered by your disclosure

Once HMRC has received your disclosure, the HMRC officer dealing with your case will contact you to discuss the penalty position. You will also be asked to complete a 'Letter of Offer' and a 'Certificate of Full Disclosure'.

Sending your disclosure to HMRC

You or your tax adviser must send your disclosure to HMRC at the address on the letter which acknowledges receipt of your Certificate C.

Acknowledging your disclosure

HMRC will acknowledge receipt of your disclosure within 30 days of receipt.

Checking your disclosure

HMRC will carry out certain checks of your disclosure. They may also ask you to send them evidence of the details contained in your disclosure.

Your future tax obligations

Please make sure that you declare all income, profits or gains on the relevant tax returns from 2013-14 onwards and other liabilities - for example Inheritance Tax - on the appropriate forms.

Specialist questions and answers

Answers to the following questions are included because HMRC recognises that some people may have further questions or more complex tax affairs. If you're still in doubt, please ask your tax adviser.

Criminal investigation policy

Will I be prosecuted if I do not make a full disclosure?

If HMRC finds that you have unpaid tax liabilities that you should have disclosed but chose not to do so - where the criteria within HMRC's published criminal investigation policy is met - they may undertake a criminal investigation.

[Read HMRC's Criminal Investigation Policy](#)

Contractual disclosure facility - under Code of Practice 9

Can I request the CDF?

The Contractual disclosure facility (CDF) provides customers with the opportunity to tell HMRC about any tax fraud they have been involved in and make a disclosure under a contractual arrangement. Where a full disclosure of all tax frauds and irregularities is made under CDF, HMRC won't pursue a criminal investigation with a view to prosecution.

If you've a disclosure to make, and you or your adviser want your disclosure to be made under the CDF, you should contact HMRC using the address or telephone number shown on the letter they sent you

You can find more information about the CDF on the HMRC website, or by calling the CDF Helpline on Tel 0203 300 9392 - open from 10.00 am to 12.00 pm, Monday to Friday.

[Read more about HMRC's contractual disclosure facility](#)

Residence

I was not resident in the UK for any period covered by the disclosure. Will I be liable to tax and what should I disclose?

If you were not resident in the UK you will not usually be liable to pay tax in the UK on your offshore income for that period. Detailed guidance to help you decide your residence status, and an explanation of the effect your residency position has on your liability to tax in the UK is contained in booklet HMRC6 'Residence, domicile and the remittance basis'.

[Download booklet HMRC6](#)

If any of your liability arises in 2012-13 you may also need to read the detailed guidance in these two booklets:

[Information Note: Remittance Basis](#)

[Guidance Note: Changes to the Remittance Basis](#)

I hold an overseas bank account showing that I have an address in the UK but I do not live in the UK - what should I do?

The detailed guidance in booklet HMRC6 should help you decide whether you will be liable to tax in the UK and for what period.

[Download booklet HMRC6](#)

I am considering whether to make a disclosure. Is my ordinary residence status relevant?

If you're a UK resident but not ordinarily resident in the UK you may be able to use the 'remittance basis' for your offshore income.

Ordinary residence status is only likely to be relevant if you usually live overseas and, some time during the disclosure period, you came to live in the UK for a short period, perhaps for education or a work placement.

Detailed guidance to help you decide your ordinary residence status, and an explanation of the effect your residency position has on your liability to tax in the UK is in booklet HMRC 6.

[Further detailed information in the Residence, Domicile and Remittances Basis Manual](#)

[Download booklet HMRC6](#)

Domicile

I am considering whether to make a disclosure. Is my domicile status relevant?

It may be. Your domicile status can affect your tax liability on overseas income and gains. It is also relevant for Inheritance Tax purposes.

If you are UK resident but not domiciled here you may be able to use the 'remittance basis' for your offshore income and gains.

If you use the remittance basis you will need to consider making a disclosure if you've brought or transferred your offshore income or gains from overseas into the UK without declaring it and paying the appropriate tax.

If you're considering disclosing undeclared Inheritance Tax liabilities, it's the domicile of the person who has died or the person who made a gift or other transfer of the account or investment during their lifetime that determines whether or not tax may be payable. Inheritance Tax may also be due from non-UK domiciled individuals if the assets transferred are located in the UK.

Inheritance Tax has 'deemed domicile' rules so that a person who is resident in the UK for the purposes of UK Income Tax for 17 out of the 20 years before the transfer (on death or while alive) can be deemed to be UK domiciled. A person can also be deemed UK domiciled for Inheritance Tax if they were domiciled in the UK in the three years prior to the transfer (on death or while alive).

[More information in the Inheritance Manual at IHTM13024](#)

I am not sure of my domicile status. What should I do?

Domicile status is a matter of general law, not tax law. Your domicile is not the same as nationality or residence. Broadly speaking, you have your domicile in the country that is your 'real' or permanent home, except for the purposes of Inheritance Tax where a person can be deemed to be UK-domiciled in certain circumstances.

Further information, including flow charts to help you consider your domicile status can be found in booklet HMRC6 and the Residence, Domicile and Remittance Basis Manual.

[Download booklet HMRC6](#)

[Go to HMRC's Residence, Domicile and Remittance Basis Manual](#)

What about 'deemed domicile'?

There are additional 'deemed domicile' rules that apply for Inheritance Tax.

These can in some circumstances result in a non-domiciled person being treated as domiciled in the UK. Follow the link below to find out more.

[More information in the Inheritance Manual at IHTM13024](#)

I have heard about a £30,000/£50,000 remittance basis charge. Will I have to pay this?

If your unremitted foreign income and/or gains arising or accruing in a tax year are more than £2,000 you can use the remittance basis but you will have to pay the Remittance Basis Charge. There are two rates of charge, depending on the Remittance Basis Charge can be found in the two booklets below:

[Download booklet HMRC6](#)

[Guidance Note: Changes to the Remittance Basis](#)

Do I qualify to register for the LDF?

Eligibility for the LDF is covered by the memorandum of understanding and there is also a frequently asked questions (FAQ) page on the facility which may be of help.

[Read FAQs about the LDF](#)

The LDF is a disclosure facility which runs until 6 April 2016. It provides favourable terms to those who make a voluntary disclosure, including:

- a ten year limitation period to 1 April 1999
- a fixed 10% penalty
- a composite rate option and a bespoke service

The agreement also introduces the taxpayer assistance and compliance programme (TACP), requiring financial intermediaries in Liechtenstein to identify persons who may have a UK tax liability, and a notification procedure that will require evidence to show their tax affairs are correct. Full details of the TACP can be found at Schedule 3 of the memorandum of understanding.

[Download the memorandum of understanding](#)

Publishing details of deliberate tax defaulters

If I disclose this liability could HMRC publish details about me?

If you do **all** of the following, you will earn the maximum reduction of any relevant penalties for the quality of disclosure, and HMRC won't publish your details:

- before the deadline for doing so, you notify HMRC that you are going to make a disclosure
- you make a disclosure which proves to be both accurate and complete
- you cooperate fully with HMRC if they ask you for any further information

Under S94 Finance Act (FA) 2009, HMRC can publish the names and details of individuals and companies who are penalised for deliberate tax defaults under Schedule 24 FA 2007 or Schedule 41 FA 2008.

Publishing the details of deliberate tax defaulters is intended to encourage compliance by:

- sending a clear signal that cheating on tax is wrong
- deterring people from evading tax
- reassuring those who do pay the right amount of tax
- encouraging those who do not pay the right tax to come forward and make a full disclosure

The legislation applies to acts of deliberate evasion that either occurs on or after 1 April 2010, or that relate to a tax period beginning on or after that date.

Managing Serious Defaulters programme

What is the Managing Serious Defaulters programme?

Managing Serious Defaulters (MSD) is an enhanced monitoring programme to closely monitor the tax affairs of those individuals, companies and partnerships that have been penalised for deliberate tax defaults. Whilst in MSD defaulters will be subject to increased scrutiny to make sure that they are complying with all their tax obligations and to demonstrate to HMRC that they have changed their behaviour permanently.

It has been introduced to:

- deter known defaulters from returning to non-compliant behaviour
- effect a permanent shift to compliant behaviour
- deter potential deliberate defaulters
- reassure the compliant population that HMRC does pursue those who default

What will be monitored?

The extent of the monitoring will depend on the seriousness of the evasion and how much of a risk there is that the defaulter will continue to try to evade tax. There will be regular reviews of a defaulter's tax affairs and further monitoring may be carried out to

check that any errors or failings identified have been put right. Monitoring will not be restricted to that area of the defaulter's affairs in which the default was found but may be applied across all businesses controlled by the defaulter and to all the taxes that HMRC administers.

How can inclusion in the programme be avoided?

Where a disclosure is unprompted, accurate and complete the defaulter will not be put into the MSD programme. Follow the link below to find more information on the programme.

[Managing Serious Defaulters programme](#)

Offshore penalties

Will the new offshore penalties affect my disclosure?

HMRC already charges penalties for inaccuracies in returns and for failure to notify certain events. These penalties are based upon the amount of 'potential lost revenue' (PLR) and the behaviour of the person that led to the inaccuracy or failure to notify. The maximum penalty is currently 100% of the PLR. The PLR in failure to notify cases is the amount of tax or duty that either:

- the person becomes liable for, or to pay because of the failure
- is due, assessed as due, or unpaid at a certain date

The PLR for inaccuracy cases is the amount that arises as a result of correcting an error in a return or document, an under-assessment, an incorrect repayment or an incorrect claim.

Under new legislation, introduced on 6 April 2011, penalty rates for inaccuracies in respect of offshore income or gains, or failure to notify a liability to offshore income or gains will be linked to how easily HMRC can obtain information from the country involved. Where someone has failed to tell HMRC about income or gains from a country which does not share information with the UK, they can charge penalties of up to 200% of the PLR.

Your disclosure may not be affected by the new penalties, but if you decide not to make a disclosure now, your future liabilities may include this penalty.

Deceased persons

This is not my offshore account and the person who originally held the account is deceased. Do I need to disclose any income or gains?

The personal representative of the deceased person (who can be either an executor or administrator) is responsible for the estate of a deceased person. You may have to disclose to HMRC:

- tax that was not paid on the income arising or gains made during the deceased person's lifetime
- that the account was either left out of the estate for Inheritance Tax purposes or that the deceased person made gifts out of the account while they were alive
- that tax has not been paid on income arising to or gains made by the personal representative of the deceased person during the administration period

Different time limits may apply and there is more information about this below.

What time limits apply if I make a disclosure on behalf of a deceased person?

The time limit for assessing the income or gains of a deceased person is four years from the end of the year of assessment in which the person died. So you won't have to disclose any income or gains that arose any earlier than that. No penalty will be payable on liabilities up to the date of death. The time limits in respect of the period of administration are the same as for all other taxpayers.

Will penalties be charged in respect of the deceased person's income or gains?

HMRC cannot charge a penalty on the tax liabilities of the deceased person that arose up to the date of their death.

What is the administration period and when does it end?

The administration period starts the day after the date of death of the deceased person and ends when the personal representatives have taken all necessary steps to finalise the estate's affairs. Generally this will not be until the personal representatives have paid all the estate debts, including tax and any legacies, and are able to transfer the assets in the estate to the beneficiaries.

What rate of Income Tax and Capital Gains Tax will I pay as personal representative?

Personal representatives are chargeable to Income Tax at the basic rate only. They're not chargeable at the higher rate/rates of tax. They might also have to pay tax at the dividend rate on dividend income from foreign company shares. If personal representatives sell assets from the estate, they're liable to Capital Gains Tax.

Is anyone else liable to pay tax on income or gains received during the administration period?

If you are a beneficiary and have received income from an estate you may be liable to Income Tax. If you have received income from the residue or part of the residue of the deceased person's estate from the personal representatives, this income is treated as having borne Income Tax already. But you may have to pay more tax if the income, when added to your other sources of income, makes you liable to Income Tax at the higher rate/rates, or you receive an age-related allowance which is affected by your level of income.

Where can I get further guidance about the liability of a deceased person's estate?

Further guidance on the administration period can be found by following the link below.

[A guide to understanding tax when someone dies](#)

Inheritance Tax matters

What should I disclose for Inheritance Tax?

The disclosure will normally be made by the executor or administrator of the estate or if a trust is involved by the trustees. But you may also need to make a disclosure if either of the following applies:

- you either received lifetime gifts or inherited assets from the deceased person following their death and these have not been disclosed elsewhere

- you made a lifetime transfer into a trust

You should disclose any Inheritance Tax liabilities that are unpaid as well as assets owned at the date of death. Inheritance Tax may be payable on:

- gifts made by a person in the seven years before they died
- assets owned by a person (including assets owned jointly with another person) when they died
- cash or other assets settled into a trust during a person's lifetime
- assets either held in a trust or distributed from a trust

Follow the link below to find more detailed information about when Inheritance Tax is payable and how to calculate the Inheritance Tax that is due.

[Read detailed guidance on Inheritance Tax](#)

What impact does a person's domicile have on Inheritance Tax?

The general position is that if someone is domiciled outside the UK only their UK assets are liable to Inheritance Tax. This means that if a deceased person was not domiciled in the UK when they made a gift from an offshore account then there will be no Inheritance Tax to pay on that gift. Similarly a person was non UK domiciled when they died and there was an offshore bank account in the estate this account does not need to be disclosed.

Domicile also affects the Inheritance Tax that is payable on transfers into a trust and the Inheritance Tax liability of the trustees. If the settlor is domiciled outside the UK when the trust was made then there is no liability for Inheritance Tax on any offshore assets, including bank accounts, transferred into the trust. And, as long as the assets are still offshore at subsequent chargeable events (ten year anniversaries and distributions from the trust or termination of an interest in a trust) then they won't be liable to Inheritance Tax.

What are the special 'deemed domicile' rules that apply for Inheritance Tax?

Although the general law principles of domicile are equally applicable to 'domicile' for Inheritance Tax purposes, the Inheritance Tax regime also includes some different rules in relation to 'deemed domicile'. These can in some circumstances result in a non-domiciled person being treated as domiciled in the UK.

These additional 'deemed' domicile rules apply only for Inheritance Tax.

Broadly speaking for Inheritance Tax purposes someone is considered to be 'deemed domiciled' in the UK if either of the following apply:

- they have been resident in the UK for tax purposes for 17 out of 20 tax years immediately prior to the chargeable event
- they were UK domiciled at any time in the three years prior to death or making a gift

If either of the above apply and there are liabilities from an offshore bank account that have not previously been paid you should consider making a disclosure.

I have settled all or part of an offshore account into a trust. Am I liable for Inheritance Tax?

This will depend on your domicile status, the amount of money transferred, when the transfer was made and the type of trust into which the money was transferred. If you were UK domiciled for Inheritance Tax purposes at the time of the transfer then Inheritance Tax may be due.

Follow the link below to find more information on when tax may be payable on lifetime transfers into trusts and how it is calculated.

[Read detailed guidance on Inheritance Tax](#)

If tax is due and it has not previously been disclosed then you will need to consider making a disclosure.

Inheritance Tax may also be payable on subsequent ten year anniversaries of a relevant property settlement or on capital distributions from the settlement.

What should I do if I have received gifts from an offshore account or I have inherited an offshore account from a deceased person?

Usually the executor or administrator will be expected to make the disclosure for any Inheritance Tax that is due. But there are circumstances when you may also be liable for unpaid Inheritance Tax and you should consider making a disclosure. This may be the case where, for example:

- the executor or administrator has not previously been told about the gift or inheritance
- the value of the gift received was substantial and either in its own right or when aggregated with earlier chargeable gifts exceeded the Inheritance Tax threshold (in these circumstances the recipient of the gift is a liable person for Inheritance Tax)
- no UK grant of representation was taken out for the estate because either most of the estate comprised of offshore assets or the estate comprised of a joint owned account which passed directly to you or others
- the executor or administrator is for some other reason not in a position to pay any tax that is due

Your rights and obligations

Your Charter

HMRC's 'Your Charter' explains what you can expect from HMRC and what they expect from you.

[Read more on HMRC's 'Your Charter'](#)

What if you are unhappy with HMRC's service

If you are unhappy with HMRC's service, please let the person dealing with your affairs know what is wrong. HMRC will work as quickly as possible to put things right and settle your complaint.

If you are still unhappy, they will tell you how to complain. Follow the link below to find out more about how to make a complaint to HMRC.

[Find out how to make a complaint to HMRC](#)

Customers with particular needs

If you need extra help to deal with your tax affairs, please let the officer that wrote to you know. For example, if:

- English is not your first language.
- You would like HMRC to use a certain format to communicate with you, for example, Braille or Text Relay. If you use Text Relay by textphone dial **18001** + number, by phone dial **18002** + number.
- You would like HMRC to visit you at home because it is difficult for you to get to one of their offices.

Data Protection Act

HMRC is a 'Data Controller' under the Data Protection Act 1998. They hold information for the purposes specified in their notification to the Information Commissioner, including the assessment and collection of tax and duties, the payment of benefits and the prevention and detection of crime, and may use this information for any of them.

HMRC may get information about you from others, or HMRC may give information to them. If HMRC does, it will only be as the law permits to:

- check the accuracy of information
- prevent or detect crime
- protect public funds

HMRC may check information they receive about you with what is already in their records. This can include information provided by you, as well as by others, such as other government departments or agencies and overseas tax and customs authorities. HMRC will not give information to anyone outside HMRC unless the law permits them to do so.

[Read HMRC's Data Protection Information Charter](#)

Getting further help and support

If you need further information, you can contact HMRC by letter or phone using the contact details shown on the top of the letter they sent you about your Swiss accounts and investments. If you do write to HMRC, please make sure your letter clearly shows your unique identifying reference number.