



FINGERPRINTS

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Current trends in globalization as a means of improving quality of life allow easy access to technology, which can also be used to commit crimes.

The constant change and improvement of technological tools require lawmakers to create rules and regulations to prevent and reduce criminal activity by unscrupulous individuals who, using all these technological resources, illegally obtain everything they want through “identity theft.”

For these reasons, banks have taken the initiative to ask their customers to provide their fingerprints for the bank’s records, as a means of accurately identifying their customers and safeguarding all transactions and monies entrusted to the safekeeping and administration of these entities.

Considering this, it seems advisable to educate customers on the request for their fingerprints.

1. Fingerprints:

Volume V of The Encyclopedic Dictionary of Customary Law, written by Guillermo Cabanellas, states that fingerprints are the *impressions (digital grooves and ridges) left by the fingertip when touching the smooth or polished surface of an object, and which are applied not only to criminal investigation but as a means of verifying the identity of a person.*

Applicable legal provisions:

In the cluster of laws that govern our actions, fingerprints are not covered as a specifically regulated issue. At the same time, there is no rule prohibiting the use of fingerprints. On the contrary, there are provisions in labor law (Art. 68 of the Labor Code), family law (Art. 26 of the Family Code), election statutes (Arts. 71 and 304 of the Electoral Code), and criminal law that establish the requirement for the use of fingerprints as a means of validating an action or verifying the identity of a person.



2. Obligation of Banks to identify their customers and/or users:

In Banking, Article two of Rule 10-2015 dated 27 July 2015, on the PREVENTION OF MONEY LAUNDERING, THE FINANCING OF TERRORISM AND FINANCING THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION, states that *Banks and trust companies must take the necessary measures to prevent their operations and/or transactions being conducted with funds or proceeds from activities related to money laundering, the financing of terrorism or financing the proliferation of weapons of mass destruction.* This rule requires banks to take the minimum necessary measures to identify their

customers and/or users.

Therefore, no bank in the Panamanian Banking System violates any legal provision when asking its customers and/or users to provide their fingerprints in addition to their signature, since Rule 10-2015 dated 27 July 2015, requires Banks to take the necessary measures to identify their customers. This is doubly true because there is no legal provision that prohibits the use of fingerprints. On the contrary, the legislation, jurisprudence, and doctrine recognize it as a means of validating an action or verifying the identity of a person.

3. Principle of Confidentiality:

Banks engaged in the banking business in Panama have the obligation to preserve the principle of banking confidentiality contained in Article 111 of the Banking Law and to safeguard the existence of documents containing the fingerprints of their customers and/or users, ensuring that these are not divulged to persons other than the parties involved (bank/user).

In conclusion, it is worth emphasizing that the Superintendency of Banks issued Circular 72-2005 dated 30 December 2005, informing banks that they must maintain certain measures to ensure the comfort of their customers, stating the following:

“So that the services and products offered by the entities in the International Banking Center of Panama can continue to be at the forefront of technological advances, we encourage you to continue developing your activities with security, equality, capacity, comfort, and promptness, framed within the legal and customary provisions of the market, thus preventing these activities from becoming the object of accusations and/or complaints from customers who might feel any affront when using your services and products.”