



TRUSTGATE SDN. BHD.


POLICY

TITLE: ANTI-BRIBERY, CORRUPTION & NO GIFT

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REVISION HISTORY

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2.0 INTRODUCTION AND PURPOSE

This Anti-Bribery, Corruption & No Gift (“ABCNG”) Policy¹ sets out MSC Trustgate.com Sdn. Bhd. (Trustgate) principles on dealing with improper solicitation, bribery and other corrupt activities which may arise in Trustgate course of business. This policy is to be read together with:

- (a) The MACC Act 2009;
- (b) The Guidelines on Adequate Procedures pursuant to Subsection (5) of Section 17A under the MACC Act 2009; and
- (c) Other relevant corruption laws, regulations and standards that are available in Malaysia.

Trustgate upholds the highest standards of professional integrity and ethical conduct required of every Trustgate partner, officer, employee and third parties who perform services for or on behalf of Trustgate. Moreover, Trustgate and all the employees are committed to comply with the Malaysian Anti-Corruption Commission (MACC) Act 2009 (Act 694) (“MACC Act”), subsequent amendments to the Act and all guidelines issued by relevant authorities pertaining to the same. This Policy aims to ensure that all Employees (defined below) and Associated Persons (defined below) of Trustgate are aware of their obligation to disclose any corruptions, bribes, conflicts of interest or similar unethical acts that they may have, and to comply with this Policy to follow highest standards of ethical conduct of business.

3.0 SCOPE AND COVERAGE

This Policy applies to all individuals engaged by Trustgate, including partners, directors, associates, employees, temporary contract staff, and interns, irrespective of their status under the Employment Act. This Policy sets out the minimum standards to which all Employees of Trustgate must adhere to at all times. Although this Policy is specifically written for the Employees of Trustgate and expects that all parties engaged by Trustgate or performing work or services for or on behalf of Trustgate will comply with it in relevant part when performing such work or services.


4.0 DEFINITION

“Associated Persons” means partners, employees, directors of Trustgate, including temporary, contract staff or interns, and such other parties engaged by Trustgate or performing work or services for or on behalf of Trustgate.

“Bribery” is commonly described as offering, promising, requesting, accepting, transferring or soliciting an advantage for oneself or another, in order to improperly induce, influence, obtain or reward the performance of a function or an activity or to improperly prevent such a performance (consideration or reward). A bribe for the purposes of this ABCNG Policy may be any financial or other improper advantage given directly or through an intermediary.

“Conflict of Interest” is a situation in which a person or institution is involved in multiple competing obligations, relationships or goals that are not compatible with one another.

¹ Credit to <https://www.bakertilly.my/anti-bribery-corruption-policy>

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“Corruption” refers to the misuse of entrusted power for personal gain or enrichment, or the misuse of one’s position to assist others in improperly or unlawfully enriching or empowering themselves.

“Employee” means partners, employees, directors, including temporary, contract staff or interns.

“Extortion payment” is the demanding of a gratification, including payments or other benefits, whether or not coupled with a threat if the demand is refused.

“Facilitation payment” is an illegal or unofficial payment or other gratifications given in return for services or benefits in which the payer is legally entitled to receive without making such payment.

“Gifts” can be in the form of goods or services, including anything that can be of value to the person receiving it.

“Gratification” includes but is not limited to anything of monetary and non-monetary value or benefit to the person.

“Hospitality” includes providing travel, transportation, lodging, as well as entertainment in the context of conventional, cultural and sporting events.

“Kickback” is a form of negotiated bribery in which a commission is paid to the bribe-taker in exchange for services rendered.


“MT” is referred to the Management of Trustgate.

“Whistleblower” is an insider of an organization who reports improper conduct that has occurred within that same organization.

5.0 KEY REQUIREMENT OF MACC ACT

The **main offences** under the MACC Act are:

- a) Soliciting or receiving gratification any person who solicits or receives or agree to receive (for himself or for any other person) or gives, promises or offers to any person any gratification as an inducement to or a reward for any person doing or forbearing to do anything; any person accepts or obtains, or agrees to the same, any gratification as an inducement or reward for doing or forbearing to do, any act in relation to his principal’s affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal’s affairs or business commits an offence;
- b) Offering or giving gratification
 - a. any person who gives or agrees to give or offers any gratification to any agent as inducement or reward for doing or forbearing to do, or for having done or forborne to do the same in relation to his principal’s affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal’s affairs or business;

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c) Intending to deceive

Any person who gives to an agent, or being an agent, he uses with intent to deceive his principal, any receipt, account or other document in respect of which the principal is interested, and which he has reason to believe contains any statement which is false or erroneous or defective in any material particular, and is intended to mislead the principal;

d) Using office or position for gratification (abuse of position);

Any person who uses his position to gain an advantage or any given position for any gratification or abuses the proper process and procedure for him/herself either directly or indirectly.


- *As per **Section 23 of MACC Act**, that any officer of the public body commits an offence when he uses his office or position for gratification when he makes any decision or takes any action whether for himself, his relative or associate in relation to any matter in which such officer or any relative or his associate , has interest whether directly or indirectly.*

e) Failing to report when offered bribery

- Any person to whom any gratification is given, promised or offered in contravention of MACC Act 2009 shall report the same.
 - **Section 17A of the MACC Act that has come into effect on 1st June 2020, a commercial organization commits an offence if a person associated to the commercial organization corruptly gives, agrees to give, promises or offers to any person any gratification whether for the benefit of that person or another person with intent.**
 - **to obtain or retain business for the commercial organization; or**
 - **to obtain or retain an advantage in the conduct of business for commercial organization.**
 - **Where an offence is committed by a commercial organization, a person-**
 - **is its director, controller, officer or partner; or**
 - **who is concerned in the management of its affairs,**
 - **at the time of the commission of the offence, is deemed to have committed that offence unless the person proves that the offence was committed without his consent or connivance and that he exercised due diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his function in that capacity and to the circumstances. Section 17A (6) defines a person associated as a director, partner, an employee or a person who performs services for or on behalf of the commercial organization.**

In relation to anti-bribery and corruption, Trustgate requires all Associated Persons to:

- **Act lawfully, ethically and in the public interest;**
- **Prohibit bribery and corruption; and**
- **Not tolerate illegal or unethical behavior by clients, suppliers or by public officials.**

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6.0 TRUSTGATE'S POLICY

a) Anti-bribery, Corruption & No Gift

All Associated Persons are not permitted to pay, offer, accept or receive a bribe in any form. Associated Persons are strictly **NOT** allowed to: -

Offer, pay or give anything of value to any parties in order to obtain business or anything of benefit to Trustgate.

- Act illegally, including bribes, blackmail, inducements, secret commissions, other rewards and similar improper actions.
- Attempt to induce any parties to do something illegal or unethical and permit any parties to violate the rules.
- Give some advantage inconsistent with law and wrongful or unlawful use of official position to procure some benefit or personal gain.
- Corruptly give promise or offer to any person gratification with the intent to secure business or an advantage for Trustgate.
- Offer, give, receive or solicit, directly or indirectly, anything of value to influence improperly the actions of another party.


b) Conflicts of Interest

Conflicts of interest occur when an individual or organisation is involved in multiple interests, one of which could possibly corrupt, or be perceived to corrupt, the motivation for an act in another. A conflict of interest may be actual, potential or perceived and may be financial or non-financial.

It is the responsibility of Trustgate and all Associated Persons, that any ethical, legal, financial or other conflicts of interest be avoided and that any such conflicts (where they do arise) do not conflict with the obligations to Trustgate requires all Associated Persons to:

Avoid any situation or activity that compromises, or may compromise, their judgement or ability to act in the best interest of Trustgate.

- Avoid being in a position where their personal interests are in conflict (or could be in conflict) with the interests or business of Trustgate.
- Avoid engaging in activities that will bring direct or indirect profit, commercial or business advantages to Trustgate's competitor.
- Avoid acting in ways that may compromise Trustgate's legality.
- Identify and disclose any conflicts of interest.
- Carefully manage any conflicts of interest.

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c) Gifts, Hospitality and Travel

At Trustgate, we are committed on the **“No-Gift Policy”** which is the pillar of the company in its daily activities with our respective vendors, customers, subscribers and end-user. Offering or receiving any gifts, hospitality and sponsored travel that may be perceived to unfairly influence a business relationship **must be strictly avoided at all times**.

However, they **should only be provided and received where they are appropriate, consistent with reasonable business practice**, and **would not be perceived to have any improper influence on the recipient**.

All Associated Persons should use good judgment in offering or receiving the above-mentioned. In determining whether a specific gift item lies within the bounds of acceptable business practice, Associated Persons are encouraged to discuss the issue with MT.

All Associated Persons **must not request, accept, offer or provide gifts or hospitality** designed to **induce, support or reward improper conduct** in connection with any business or anticipated future business involving Trustgate.

Associated Persons must never avoid their obligation **to report or seek approval** for any business gift by paying personally for it in circumstances where they would otherwise be required to report and/or seek approval for it.


All giving of Gifts, Hospitality and sponsored Travel **must get necessary approval** from Superior and the Organization. All receipts of Gifts, Hospitality and sponsored Travel must be registered with MT, or any personnel MT deem fit to manage it within forty-eight (48) hours of receiving it or as soon as practically possible thereafter.

All registration and/or declaration must be made in the Associated Persons' best interests. In addition, when giving and/or receipt of Gifts, Hospitality, sponsored Travel or any other benefit directly or indirectly to or by the Associated Persons, the Associated Persons must make sure that it:

- is aimed at nothing more than general relationship building;
- could not be perceived as an attempt to gain influence in respect of any particular matter;
- is lawful in the country in which made.

d) Donations and Sponsorships, including Political Donations

Associated Persons may only make or receive a charitable donation provided it has been subject to due diligence and MT approvals and is appropriate in all the circumstances. No political donations or payments may be made.

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Donations can only be made if:

- they are made in accordance with all legal requirements.
- they are not made to secure any improper business or other advantage.
- they do not create the appearance of impropriety or a violation of any local country legal requirements.

e) Facilitation payments

"Facilitation" or "Grease" payments are strongly prohibited in Trustgate.

7.0 ANTI-BRIBERY RISK ASSESSMENT

Trustgate shall conduct periodic anti-bribery risk assessments on business units, transactions, and third-party relationships. These assessments shall consider factors such as geographical location, type of service, value of contracts, and interaction with public officials. The results shall be documented and reviewed by the Management Team (MT) annually or when significant changes occur.

8.0 DUE DILIGENCE ON BUSINESS ASSOCIATES

Trustgate shall conduct due diligence before entering into significant contracts, partnerships, or appointing third-party representatives, agents, and resellers. The due diligence shall assess the party's integrity, anti-bribery practices, regulatory history, and beneficial ownership. Records shall be kept and reviewed periodically.

9.0 ANTI-BRIBERY TRAINING AND AWARENESS


All employees and associated persons must undergo anti-bribery and corruption awareness training upon hiring and at least once every two years. The training shall cover key MACC Act offences, this policy, whistleblowing procedures, and red flags. MT will have an Anti-Bribery Compliance committee that will oversee and be responsible for monitoring the implementation of this Policy, reporting to MT on compliance issues, coordinating training, maintaining risk registers, and investigating any reported violations.

10.0 WHERE TO FIND HELP/ REPORTING CHANNEL

To encourage openness and transparency and in order to facilitate the reporting of potential or suspected violations of Trustgate's Policy or applicable laws, regulations or professional standards, including those relating to anti-bribery, corruption & no gift policy, Trustgate has established an accessible and trusted whistleblowing channel, to raise concerns in relation to real or suspected corruption incidents or inadequacies.

Trustgate will not permit retaliation of any kind against any Associated Person for making good faith reports about actual or suspected violation of this Policy.

If Associated Persons become aware of any actual or suspected breach of this Policy, they must report this to the mentioned whistleblowing channel via breach@msctrustgate.com immediately. The employees in Trustgate are not permitted to ignore or fail to report, any suggestion of a bribe.

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Proper investigation will be taken in place followed by appropriate action taken (if any). The matters which may be reported under the Whistleblowing Policy include (but are not limited to):

- concerns about bribery and corruption.
- concerns about any other criminal activity or failure to comply with legal obligations.
- concerns about any conduct likely to damage Trustgate's reputation.
- concerns about possible money laundering or sanctions breaches.
- the deliberate concealment of any of the above matters.

If any of the relevant parties has any doubts or queries with regard to the application of this Policy, the relevant party may also contact the whistleblowing channel via breach@msctrustgate.com.

Note: Failure to comply with this Policy may lead to Employees being subject to disciplinary action, up to and including dismissal.

11.0 FURTHER CLARIFICATIONS

Should you require further clarification with regard to this Policy, you should consult MT. alternatively, you can email your queries to info-breach@msctrustgate.com.

12.0 INDEPENDENT AUDIT

Trustgate shall from time-to-time commission an independent audit on the Policy and applicable procedures and will update this Policy pursuant to the findings.

13.0 POLICY REVIEW

The MT reserves the right to amend, modify, suspend or terminate this policy at any time, with or without notice.

14.0 ALIGN WITH ISO 37001:2016

This Policy integrates the core elements of ISO 37001:2016 Anti-Bribery Management System, ensuring that Trustgate Sdn. Bhd. meets international standards and aligns with the main Act **Section 17A of the MACC Act 2009**. This includes risk assessment, third-party due diligence, formal training, and periodic review.