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BY ELECTRONIC TRANSMISSION

Submission No. 18-346
May 10, 2018

Mr. Christopher J. Kirkpatrick
Secretary of the Commission
Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581

**Re: Amendments to ICE Futures U.S. Rule 6.50 (Disclosure of Confidential Information)
and New Member/User Privacy Notice - Submission Pursuant to Section 5c(c)(1) of
the Act and Regulation 40.6(a)**

Dear Mr. Kirkpatrick:

Pursuant to Section 5c(c)(1) of the Commodity Exchange Act, as amended (the “Act”), and Commodity Futures Trading Commission (“Commission”) Regulation 40.6(a), ICE Futures U.S., Inc. (“IFUS” or “Exchange”) hereby self-certifies the amendments to IFUS Rule 6.50 set forth in Exhibit A and the new Member/User Privacy Notice attached as Exhibit B. In order to comply with the requirements of the European Union (“EU”) General Data Protection Regulation (“GDPR”)¹, which will become effective on May 25, 2018, the amendments and notice provide for the use and treatment of “Personal Data”² by the Exchange and impose requirements on market participants who process and provide Personal Data to the Exchange.

The GDPR was enacted by the EU to protect the data of citizens within the union. It replaces the Data Protection Directive 95/46/EC and was designed to harmonize data privacy laws across constituent countries. The GDPR imposes requirements and restrictions on the use and

¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

² In general, “Personal Data” is defined for this purpose as information relating to a natural person (referred to as a “Data Subject”) that would identify that person, in particular by reference to an identifier such as a name, identification number, location data, online identifier or one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social entity of that person.

processing of Personal Data and it applies to all organizations doing business with individuals located in the EU.

The Exchange is adopting amendments to Rule 6.50 and is issuing the privacy notice to facilitate compliance with the GDPR. The amendments to Rule 6.50 add the defined term “Member/User Privacy Notice”, which refers to a stand-alone document that will be posted on the Exchange’s website. The notice sets forth how the Exchange will use any Personal Data that is received which relates to EU Data Subjects (as defined in the GDPR). In addition, the amendments also impose requirements on Exchange Members and other market participants relating to Personal Data that is provided to the Exchange. In this regard, Members and other market participants will be required to ensure that they have a lawful basis for providing such Personal Data to the Exchange; and will also be required to ensure that a copy of the Member/User Privacy Notice has been provided to its clients and representatives prior to disclosure of Personal Data relating to such Data Subject to the Exchange. The amendments also add provisions relating to the treatment of recordings of conversations between the Exchange and Members/market participants.

The Exchange is not aware of any opposing views and certifies that the amendments to Rule 6.50 and the new Member/User Privacy Notice, which will become effective on May 25, 2018, comply with the requirements of the Act and the rules and regulations promulgated thereunder. In particular, the amendments and notice comply with Core Principle 2 (Compliance with Rules) and Core Principle 18 (Recordkeeping). The amendments and notice are designed to facilitate compliance with the GDPR by ICE Futures U.S., its Members and market participants. This will help ensure that the Exchange has an enforceable legal framework with respect to its activities in all relevant jurisdictions. Moreover, the Exchange does not believe the amendments or notice will adversely impact its ability to comply with any Core Principle, including the recordkeeping requirements under Core Principle 18, or any Commission regulation. The Exchange further certifies that concurrent with this filing a copy of this submission was posted on the Exchange’s website, which may be accessed at (<https://www.theice.com/futures-us/regulation#Rule-Filings>).

If you have any questions or need further information, please contact me at 212-748-4021 or at jason.fusco@theice.com.

Sincerely,



Jason V. Fusco
Assistant General Counsel
Market Regulation

Enc.

cc: Division of Market Oversight

EXHIBIT A

Rule 6.50. Disclosure of Information; Trade Data and Personal Data

(d) Treatment of Personal Data relating to Individuals in the European Union

(i) For the purpose of this paragraph, the terms "Process" (and derivations thereof), "Personal Data", "Data Subject" and "Controller" shall have the meaning given to such terms in the General Data Protection Regulation (EU) 2016/679 and the term "Member" includes market participants, whether or not they have become members of the Exchange.

(ii) For the purpose of this paragraph, the term "Member/User Privacy Notice" means the document setting forth how the Exchange will use any Personal Data (as defined in the General Data Protection Regulation (EU) 2016/679) received concerning Members, and other users.

(iii) The Exchange is a Controller with respect to Personal Data provided to it by Members, their clients and representatives and may collect and use Personal Data for the purposes of fulfilling contractual obligations and operating in accordance with Exchange Rules, CFTC regulations and the Act.

(iv) Each Member shall ensure that:

(A) in respect of any Personal Data that it provides to the Exchange it has a lawful basis for processing the relevant Personal Data in this manner; and

(B) it has provided a copy of the Member/User Privacy Notice to its clients and representatives prior to disclosure of Personal Data relating to such Data Subject to the Exchange.

(v) Each Member and the Exchange:

(A) acknowledges that the recording of conversations between the trading, clearing and other relevant personnel of the Member and/or its affiliates and the Exchange in connection with the Rules and any Contract, potential Contract, or Transaction will take place to the extent permitted or required under applicable laws;

(B) agrees, to the extent permitted by applicable law, that recordings may be submitted as evidence in any dispute;

(C) acknowledges that the other provisions of this paragraph shall apply to any such recordings made by the Exchange; and

(D) consents to such disclosures being made in accordance with Exchange Rules and as required under applicable laws including, without limitation, CFTC regulations and the Act.

EXHIBIT B

Member/User Privacy Notice Intercontinental Exchange, Inc.

This privacy notice describes how Intercontinental Exchange, Inc. (together with its affiliates, "ICE", "we" or "us") collect and process personal information about you when you are a Member representative, a client or employee of a Member, a beneficial owner of a Member or a user of an Exchange, Clearing House or another ICE service; how we use and protect this information; and your rights in relation to your personal information.

Personal information is information, or a combination of pieces of information, that could reasonably allow you to be identified.

1. Information we collect

We may collect personal information from you directly (e.g. from a membership application or when you submit a query to us) and we may also collect information about you from other sources (where permitted by law).

We need certain personal information relating to you as a consequence of the contractual relationship we have with you or with Members to enable us to fulfil our contractual obligations. Failure to provide this information may prevent or delay the fulfilment of these obligations. We may also be required to collect certain personal information by law (for example, as a result of our legal obligations to take steps to prevent money laundering).

1.1 Information we collect directly from you

The categories of information that we collect directly from you (depending upon your relationship with us) includes the following:

- (a) personal details (e.g. name, age, date of birth, passport details);
- (b) contact details (e.g. phone number, email address, postal address);
- (c) educational and career background (e.g. your curriculum vitae);
- (d) employment details (e.g. job start date, job end date);
- (e) other relevant data in respect of the use of our services; and
- (f) information collected automatically from you, including information collected using cookies and other device tracking technologies. Further information about our use of cookies and other device tracking technologies is available at: <https://www.intercontinentalexchange.com/cookies>.

1.2 **Information we collect from other sources**

The following are examples of the categories of information we collect from other sources such as Members, third parties providing due diligence services, Companies House and other publicly available sources:

- (a) personal details (e.g. name, age, date of birth);
- (b) contact details (e.g. phone number, email address, postal address);
- (c) details regarding any companies in which you may have an interest;
- (d) educational and career background (e.g. your curriculum vitae); and
- (e) other relevant information in respect of the Membership and/or use of our services.

2. **How we use this personal information and the basis on which we use it**

We use this personal information to:

- (a) carry out our obligations to Members and users of our services under any applicable contract (such as the Membership Agreement);
- (b) exercise our rights under any applicable contract;
- (c) provide any services that you request from us;
- (d) keep our records accurate and up-to-date;
- (e) comply with legal obligations to which we are subject;
- (f) exercise our legal rights where necessary to do so; for example to detect, prevent and respond to fraud claims, intellectual property infringement claims or violations of law;
- (g) provide, improve and personalise the services by analysing information about your recent usage for analytics purposes to understand how people use our services so that we can make them more intuitive; and
- (h) carry out monitoring of the use of our services in accordance with applicable law.

We must have a legal basis to process your personal information. In most cases the legal basis will be one of the following:

- (a) to fulfil our contractual obligations, for example to ensure that you have access to the Exchange and/or Clearing House platforms;

- (b) to meet our legal and regulatory obligations as a trading venue and clearing house, for example to have transparent and non-discretionary rules and procedures to provide for fair and orderly trading; and
- (c) to meet our legitimate interests, for example to ensure that we can provide you with our services, and that our records are kept up to date and accurate. When we process personal information to meet our legitimate interests, we put in place robust safeguards to ensure that your privacy is protected and to ensure that our legitimate interests are not overridden by your interests or fundamental rights and freedoms. For more information about the balancing test that we carry out to process your personal information to meet our legitimate interests, please contact us at the details below.

3. **Your rights over your personal information**

Please let us know if any of the personal information that we hold about you changes so that we can correct and update the information on our systems.

You have certain rights regarding your personal information, subject to local law. These include rights to: access your personal information; erase your personal information; restrict our use of your personal information; object to our use of your personal information; receive your personal information in a usable electronic format and transmit it to a third party (right to data portability); and to lodge a complaint with the data protection authority in the European country where you work, reside, or where the subject-matter of your complaint or concern arises.

We will contact you if we need additional information from you in order to honour your requests. To exercise any of the above rights, you may contact us using the contact details set out below.

4. **Information Sharing**

We may share your personal information with third parties under the following circumstances:

- (a) with ICE group companies. We work closely with other companies that fall within the ICE group. For example we share your information to host databases, utilise shared services across the ICE group; for marketing purposes, internal reporting and customer insights and service optimisation;
- (b) with service providers and business partners. We may share your personal information with our service providers and business partners that perform business operations for us. For example, we may partner with other companies to carry out due diligence checks on our behalf, to facilitate payments and the delivery process in connection with our services, provide us with legal advice, host our databases, optimise our services, run marketing campaigns, support email and messaging services and analyse information;
- (c) to fulfil a request from a Member in accordance with our obligations under our contract with that Member;
- (d) in the course of a sale or an acquisition of an ICE group company;

- (e) where permitted by law, to protect and defend our rights and property; and
- (f) when required to do so by law, and/or by public authorities to comply with legal and/or regulatory requirements and cooperate with regulators and law enforcement bodies.

Because we operate as part of a global business, the recipients referred to above may be located outside the jurisdiction in which you are located (or in which we provide the services). See the section on "Information Transfer" below for more information.

5. **Information Security**

We have implemented generally accepted standards of technology and operational security to protect personal information from loss, misuse, alteration or destruction. We require all employees to keep personal information confidential and only authorised personnel have access to this information.

We will keep your personal information for as long as we have a relationship with you. Once our relationship with you has come to an end, we will retain your personal information for a period of time that enables us to:

- (a) maintain business records for analysis and/or audit purposes;
- (b) meet our regulatory requirements;
- (c) comply with record retention requirements under applicable law;
- (d) defend or bring any existing or potential legal claims; and
- (e) deal with any complaints regarding the services.

If there is any information that we are unable, for technical reasons, to delete entirely from our systems, we will put in place appropriate measures to prevent any further processing or use of the information.

6. **Information Transfer**

Your personal information may be transferred to, stored, and processed in a country other than the one in which it was provided.

We have put in place appropriate safeguards (such as contractual commitments) in accordance with applicable data protection laws to ensure that your personal information is adequately protected. For more information on the appropriate safeguards in place and to obtain a copy of them, please contact us at the details below.

7. **Contact Us**

If you have questions or concerns regarding the way in which your personal information has been used, please contact:

Data Protection Officer
Intercontinental Exchange
Milton Gate
60 Chiswell Street
London
EC1Y 4SA
Email: regulatory-dataprotection@theice.com
Phone: +44 (0)20 7065 7700

8. **Changes to the Privacy Notice**

You may request a copy of this privacy notice from us using the contact details set out above. If we change this privacy notice, the updated version will be posted on our website in a timely manner.

Effective from 25 May 2018