

May 18, 2018

**VIA PORTAL**

Commodity Futures Trading Commission  
Attention: Christopher Kirkpatrick, Secretary  
Three Lafayette Centre  
1155 21<sup>st</sup> Street, NW  
Washington, DC 20581

**Re: CFTC Regulation 40.6(a) Certification: Submission of Amendments to the Nodal Exchange Rulebook**

Dear Mr. Kirkpatrick:

Nodal Exchange, LLC (“Nodal Exchange” or “Exchange”) is notifying the Commodity Futures Trading Commission (“CFTC” or “Commission”) that it is self-certifying amendments to the Nodal Exchange Rulebook (“Rules”) pursuant to Commission Regulation 40.6(a). The Exchange is amending Rule 2.10 *Use of Proprietary Data and Personal ~~Information~~ Data*, which is attached hereto and indicates the specific text in red that is being amended. The Exchange intends to implement the amended Rules in 10 business days on June 4, 2018.

Nodal Exchange Rule 2.10 is being revised to comply with the requirements of the European Union (“EU”) General Data Protection Regulation (“GDPR”)<sup>1</sup>. The amendments to Rule 2.10 provide for the use and treatment of “Personal Data<sup>2</sup>” 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 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 2.10 to facilitate compliance with the GDPR. The amendments to Rule 2.10 impose requirements on market participants relating to Personal Data that is provided to the Exchange. In this

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<sup>1</sup> 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.

<sup>2</sup> 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.

regard, Participants and Authorized Brokers will be required to ensure that they have a lawful basis for providing such Personal Data to the Exchange.

Exchange management has assessed the amendments to the Rules, and their compliance with applicable provisions of the Act, including the Commissions Regulations and the Core Principles. Nodal Exchange has identified that the amendments may affect the following Core Principles as follows:

Core Principle 2 - Compliance with the Rules: The amendments to the Rules facilitate compliance with the GDPR by the Exchange and market participants.

Core Principle 7 – Availability of General Information: The amendments to the Rules provide clarity to Exchange participants and brokers regarding GDPR compliance. The amended Rules are available to market authorities, Exchange participants, brokers and the public on the Exchange website.

Core Principle 18 – Recordkeeping: The amendments to the Rules do not adversely impact the Exchange’s ability to comply with the recordkeeping requirements under Core Principle 18, or any Commission Regulation.

Pursuant to Section 5c(c) of the Act and the Commission’s Regulation 40.6, the Exchange certifies that amended Rules comply with the Act and the Commission’s Regulations thereunder. There have not been any opposing views expressed regarding the amendments to the Rules.

Nodal Exchange certifies that this submission has been concurrently posted on the Nodal Exchange website at [www.nodalexchange.com](http://www.nodalexchange.com).

If you have any question or need additional information regarding this submission, please contact me at 703-962-9853 or [Markotic@nodalexchange.com](mailto:Markotic@nodalexchange.com).

Sincerely,

/s/ Max Markotic

Senior Compliance Manager

Attachment:

Redline of Nodal Exchange Rulebook 2.10

18-007