

2.10 Use of Proprietary Data and Personal ~~Information~~ Data

2.10.4 The use and processing of Personal Data relating to individuals in the European Union will be subject to the General Data Protection Regulation (EU) 2016/679, which has given the meaning to the following terms used in this section: "Process", "Personal Data" and "Controller." The Exchange is a Controller with respect to Personal Data provided by Participants, Authorized Users, Authorized Brokers, and their respective representatives. With respect to any Personal Data provided to the Exchange, each Participant and Authorized Broker shall ensure that they have a lawful basis for Processing the relevant Personal Data in this manner. In addition, each Participant, Authorized Broker, and the Exchange:

- (a) Acknowledges that the recording of conversations between trading, clearing, and other relevant personnel of the Participant or Authorized Broker and/or their respective Affiliates, and the Exchange in connection with the Rules and any Nodal Contract, potential Nodal 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 section 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 CEA.