



**Privacy Impact Assessment  
for  
Filings and Actions (FILAC)**

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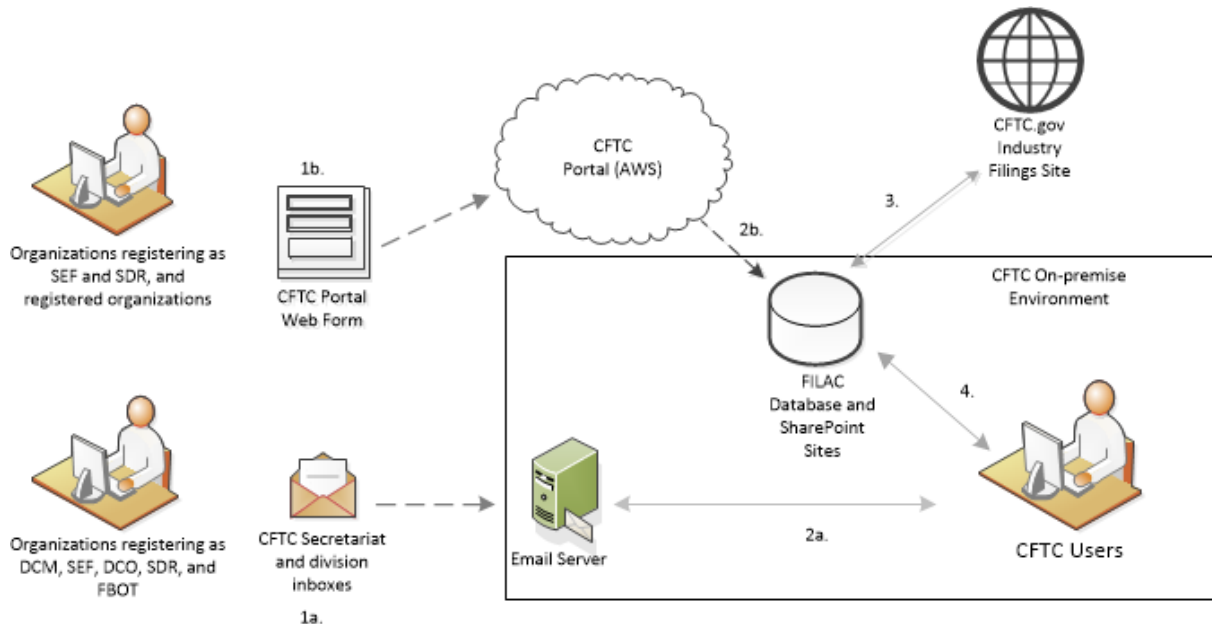
## I. SYSTEM OVERVIEW

### 1) Describe the purpose of the system/collection:

Filings and Actions (FILAC) is used by Commodity Futures Trading Commission (“CFTC” or “Commission”) staff to:

1. Collect and process documentation from organizations that wish to register as a Designated Contract Market (DCM), Swap Execution Facility (SEF), Derivatives Clearing Organization (DCO), Swap Data Repository (SDR) or Foreign Board of Trade (FBOT). This function is the responsibility of the Division of Clearing and Risk (DCR) and Division of Market Oversight (DMO).
2. Collect and process filings submitted by registered organizations (i.e., DCMs, SEFs, DCOs, and SDRs) regarding new products, new rules, and rule changes as required by CFTC regulations.
3. Publish basic information about organizations and their products, rules, and changes on the [Industry Filings](#) page on CFTC.gov.
4. Serve as a reference tool for other CFTC divisions (such as the Division of Swap Dealer and Intermediary Oversight (DSIO), the Office of General Counsel (OGC), Office of Executive Director (OED), Chairman and Commissioners (COM), Office of Data and Technology (ODT), Office of International Affairs (OIA), Enforcement Division (ENF), and Office of the Chief Economist (OCE)) in the context of their research and enforcement functions.

2) Provide a data map or model illustrating how information is structured or is processed by the system throughout its life cycle. Include a brief description of the data flows.



- 1a. Organizations seeking to register as a DCM, DCO, SEF, SDR, or FBOT send required documentation to one of four inboxes ([submissions@cftc.gov](mailto:submissions@cftc.gov), [DMOSubmissions@cftc.gov](mailto:DMOSubmissions@cftc.gov), [secretary@cftc.gov](mailto:secretary@cftc.gov), and [FBOApplications@cftc.gov](mailto:FBOApplications@cftc.gov)) managed by the CFTC Secretariat and DMO. The Secretariat forwards documents to the relevant CFTC division.
- 1b. Organizations seeking to register as an SEF or SDR have the option to submit registration documents via the CFTC Portal. Once registered, all organizations enter information and submit documents relating to new products and rules through the CFTC Portal.
- 2a. DCR and DMO staff manually enters information relating to new registrations into FILAC and save the associated documentation in shared folders on a shared server.
- 2b. Documents relating to SEF or SDR registration submitted through CFTC Portal are transferred to and saved in a SharePoint site. Relevant division staff manually enters pertinent information into FILAC. Information relating to new products and rules from all registered organizations is automatically transferred from CFTC Portal and stored in the FILAC database upon submission, while the supporting documentation is automatically stored in the OPERA (Organizations, Products, Events, Rules and Actions) SharePoint site.
3. Basic information about organizations and their products, rules, and changes is published on the [Industry Filings](#) page on CFTC.gov.

4. Staff from various CFTC divisions including DSIO, OGC, OED, COM, ODT, OIA, ENF, and OCE access FILAC records in the context of their research and enforcement functions.

## II. AUTHORITY AND PURPOSE

- 1) What is the legal authority to collect, use, maintain, and share information in the system?

The authority to collect and use information in FILAC varies depending on the type of organization and the purpose of its filing:

<b>CFTC Regulation</b>	<b>Organization Type</b>
17 CFR § 37.3	Swap Execution Facility (SEF) Registration
17 CFR § 38.3	Designated Contract Market (DCM) Designation
17 CFR § 39.3	Derivatives Clearing Organization (DCO) Registration
17 CFR § 48.5	Foreign Board of Trade (FBOT) Registration
17 CFR § 49.3	Swap Data Repository (SDR) Registration
17 CFR § 37.3	Swap Execution Facility (SEF) Registration
17 CFR § 38.3	Designated Contract Market (DCM) Designation

<b>CFTC Regulation</b>	<b>Product Type</b>
17 CFR § 30.13	Product Certification Foreign Security Index
17 CFR § 39.5(a)	Swap Clearing Eligibility Determination
17 CFR § 39.5(b) S	Swap Clearing Requirement Determination
17 CFR § 40.2(a)	Product Certification
17 CFR § 40.2(d)	Product Certification Swaps Class
17 CFR § 40.3(a)	Product Approval
17 CFR § 41.23(a)	Product Certification Security Future

<b>CFTC Regulation</b>	<b>Organization Rules</b>
17 CFR § 40.5(a)	Rule Approval
17 CFR § 40.5(g)	Expedited Rule Approval
17 CFR § 40.6(a)	Rule Certification
17 CFR § 40.6(a)(6)	Emergency Rule Certification
17 CFR § 40.6(d)	Notification of Rule Amendments
17 CFR § 40.10(a)	SIDCO Advance Notice of Rule Certification
17 CFR § 40.10(h)	SIDCO Emergency Rule Certification

<b>CFTC Regulation</b>	<b>Product Rules</b>
17 CFR § 40.4(b)(5)	Amendments to Enumerated Agricultural Products - Non-Material
17 CFR § 40.5(a)	Rule Approval

17 CFR § 40.5(g)	Expedited Rule Approval
17 CFR § 40.6(a)	Rule Certification
17 CFR § 40.6(a)(6)	Emergency Rule Certification
17 CFR § 40.6(d)	Notification of Rule Amendments
17 CFR § 41.24(a)	Rule Certification Security Futures Product

### III. INFORMATION TYPES

- 1) What information relating to individuals affiliated with regulated entities will be collected, maintained, used, and/or disseminated?

Information in FILAC is contextual and the data elements and types of information received will vary depending on the nature and purpose of each individual filing. As such, while the table below attempts to identify all of the data elements and information types that FILAC routinely processes, the system may collect and process data elements and information types that are not specifically identified below.

Identifying Numbers	
<input type="checkbox"/> Social Security Number	<input type="checkbox"/> Truncated or Partial Social Security Number
<input type="checkbox"/> Driver's License Number	<input type="checkbox"/> License Plate Number
<input type="checkbox"/> Patient ID Number	<input checked="" type="checkbox"/> File/Case ID Number
<input type="checkbox"/> Student ID Number	<input type="checkbox"/> Health Plan Beneficiary Number
<input type="checkbox"/> Passport Number	<input type="checkbox"/> Federal Student Aid Number
<input type="checkbox"/> Employee Identification Number	<input type="checkbox"/> Taxpayer Identification Number
<input type="checkbox"/> Professional License Number	<input checked="" type="checkbox"/> Legal Entity Identifier
<input type="checkbox"/> Credit/Debit Card Number	<input checked="" type="checkbox"/> National Futures Association ID
<input type="checkbox"/> Personal Bank Account Number	<input type="checkbox"/> Other ID if it can be traced back to an individual
<input type="checkbox"/> Personal Device Identifiers or Serial Numbers	
Contact Information	
<input type="checkbox"/> Personal Mobile Number	<input checked="" type="checkbox"/> Business Phone Number
<input type="checkbox"/> Personal E-mail Address	<input checked="" type="checkbox"/> Business E-mail Address
<input type="checkbox"/> Home Phone Number	<input checked="" type="checkbox"/> Business Mobile Number
<input type="checkbox"/> Home Mailing Address	<input checked="" type="checkbox"/> Business Mailing Address
Sole Proprietors	
<input type="checkbox"/> Business Taxpayer Identification Number	<input type="checkbox"/> Business Mailing Address
<input type="checkbox"/> Business Credit Card Number	<input type="checkbox"/> Business Phone or Fax Number
<input type="checkbox"/> Business Bank Account Number	<input type="checkbox"/> Business Mobile Numbers
<input type="checkbox"/> Business Device identifiers or Serial Numbers	
Biographical Information	
<input checked="" type="checkbox"/> Name	<input type="checkbox"/> Gender
<input type="checkbox"/> Date of Birth	<input type="checkbox"/> City or County of Birth

<input type="checkbox"/> Country of Birth	<input checked="" type="checkbox"/> Zip Code
<input type="checkbox"/> Citizenship	<input type="checkbox"/> Military Service Information
<input type="checkbox"/> Spouse Information	<input type="checkbox"/> Academic Transcript
<input checked="" type="checkbox"/> Group/Org. Membership	<input checked="" type="checkbox"/> Resume or Curriculum Vitae
<input type="checkbox"/> Location Data (e.g., GPS)	<input type="checkbox"/> Nationality
<input checked="" type="checkbox"/> Employment Information	<input type="checkbox"/> Marital Status
<input type="checkbox"/> Mother's Maiden Name	<input type="checkbox"/> Children Information
<b>Biometrics/Distinguishing Features/Characteristics</b>	
<input type="checkbox"/> Fingerprints	<input type="checkbox"/> Height
<input type="checkbox"/> Retina/Iris Scans	<input type="checkbox"/> Voice/Audio Recording
<input type="checkbox"/> Hair Color	<input type="checkbox"/> Eye Color
<input type="checkbox"/> Video Recording	<input type="checkbox"/> Photos
<input type="checkbox"/> Weight	<input checked="" type="checkbox"/> Signatures

- 2) What information relating to FILAC users will be collected, maintained, used, and/or disseminated?

<b>Active Directory/Device Information</b>	
<input type="checkbox"/> IP Address	<input type="checkbox"/> MAC Address
<input type="checkbox"/> CFTC Asset Number	<input type="checkbox"/> Device Identifiers or Serial Numbers
<input checked="" type="checkbox"/> User Name	<input checked="" type="checkbox"/> Log data

#### IV. COLLECTING INFORMATION

- 1) How is the information in this system collected?

**Email:** Organizations that wish to register as a DCM, SEF, DCO, SDR or FBOT submit the required documentation to one or more of four possible email addresses, three of which are managed by the CFTC Secretariat and the other by DMO (submissions@cftc.gov, DMOSubmissions@cftc.gov, secretary@cftc.gov, and FBOTapplications@cftc.gov). Access to these inboxes is determined by the Secretariat and DMO, respectively. The Secretariat forwards documents it receives to the appropriate division and that division's staff enters relevant information from the documents into the FILAC software. Copies of the original documents themselves are stored in shared folders on a shared server; accompanying emails from entities submitting registration documentation are not entered into FILAC.

**Portal:** Organizations may also submit SEF and SDR-related registration documentation through the CFTC Portal. Portal is a separate external-facing system used by CFTC to simplify document submissions for different purposes by regulated entities. Registration documents submitted through Portal are saved in the "General Form Upload" SharePoint site. Relevant information from the documents is then manually entered into FILAC.

Once registered, organizations periodically submit documentation related to new products, new rules, and rule changes as required by CFTC regulations using the CFTC Portal.

Information about the requested change is provided by the organization itself in Portal, and is transferred to and stored in the FILAC database upon submission. The associated documentation is stored in the OPERA SharePoint site.

Internal Collection: Each new registration or filing which enters FILAC, whether via email or Portal, is assigned to one or more CFTC staff using their username, meaning that information about staff is generated as they use FILAC.

- 2) If any forms are used to collect information that resides in the system, please include the name of such form(s) and any applicable control number.

Form	Control No. (If applicable)
Form SEF	
Form DCM	
Form DCO	OMB No. 3038-0076
Form FBOT and Form Supplement S-1	
Form SDR	

## V. INFORMATION USE

- 1) Will information in the system be retrieved using one or more of the data elements listed in Section III?

Information in FILAC is retrieved by name and filtered by assigned CFTC staff.

While Data relating to organizations in FILAC is retrieved by elements such as organization name, organization type, filing status, and status date, it cannot be retrieved using the personal information of the person submitting the documentation or any of the other personal identifiers listed in Section III.

- 2) If the information in the system is retrieved using one or more of the identifiers, what CFTC System of Records Notice (SORN) covers the information?

Retrieval of information relating to CFTC staff is covered by CFTC-35, *General Information Technology Records*.

## VI. ACCESS AND SHARING

- 1) With which internal CFTC Offices or Divisions is the information shared? For each Office or Division, what information is shared and for what purpose?

Staff across 11 divisions have some form of access to the FILAC software (DCR, DMO, DSIO, ODT, OED, OGC, COM, ENF, OIA, OCE, and Office of Public Affairs (OPA)).

Increasing levels of permissions (read, contribute, manage) are applied to individual categories of organizations, rules, and products. Permissions are granted to staff with a business need to review and approve submissions according to their particular role. Permission levels are assigned by the directors or deputy directors of the business units from within the FILAC software. Access to the FILAC software and SharePoint sites is managed by ODT.

2) How is the information shared internally?

Filing data and submissions, including the underlying documents, are accessible by CFTC staff with “read” privileges in the FILAC software.

3) With which external organization(s) is the information shared?

Information is not shared directly with other federal, state, or local government agencies, law enforcement, international regulator or agency, self-regulatory organizations, or private entities. Basic information is published on CFTC.gov and available to the public.

4) How is the information shared externally?

Basic information relating to registered organizations, their products, rules, and changes is published to the CFTC.gov [Industry Filing](#) page, along with links to certain underlying documents that are required by CFTC regulation to be made public. Personal information pertaining to the organization or its employees does not appear on the Industry Filing page or the linked documents; the name and signature of the incumbent Secretary of the Commission appears on CFTC-issued orders.

## VII. TRANSPARENCY

1) How are individuals notified as to how their information will be collected, used, and/or shared within this system?

Individuals are provided with a Privacy Act statement and a website privacy notice when creating an account on Portal. Individuals signing and submitting documents by email as part of the registration process for their organization understand that they are providing personal information to the CFTC. In addition, to ensure individuals understand how the CFTC uses and protects their personal information, CFTC has conducted and published this PIA on the CFTC.gov privacy program page.

2) Is a SORN required? If so, explain how the use of the information in this system is limited to the use specified in the SORN?

Yes, CFTC-35, *General Information Technology Records* covers creation of logs relating to activity by CFTC staff on CFTC IT systems.



## VIII. INDIVIDUAL PARTICIPATION

- 1) Is the information collected directly from the individual?

Yes, information maintained and processed by FILAC is collected directly from the individual. However, in many cases, the documentation received from the individual contains information about other individuals, such as shareholders, officers, directors, brokers, and traders who are not directly involved in the preparation or submission of the filing.

- 2) Is the collection mandatory or voluntary? If voluntary, what opportunities do the individuals have to decline to provide information?

Organizations registering to operate as a DCM, SEF, DCO, SDR or FBOT are required to provide this information to the CFTC. Once registered, to the extent organizations choose to adopt new rules and products they are obligated to file the appropriate documentation with the CFTC.

- 3) Do individuals have an opportunity to consent to a particular use of the information? If so, how do they provide consent for a particular use?

No.

## IX. DATA MINIMIZATION

- 1) What steps were taken to minimize the collection of PII in the system?

CFTC only requires individuals to provide the minimum amount of personal information necessary when submitting documents as part of an organization's registration process and periodic filings.

## X. DATA QUALITY AND INTEGRITY

- 1) How is data quality ensured throughout the information lifecycle and business processes associated with the use of the information?

- Cross referencing data entries with other systems
- Third party data verification
- Data taken directly from individuals
- Character limits on text submissions
- Numerical restrictions in text boxes
- Other: **Restrictions on entering duplicate names and acronyms.**

## **XI. RETENTION**

- 1) What are the retention periods for the information?

The NARA-approved retention schedule title for FILAC data is “Continued Financial and Compliance Oversight” and the retention period is “Cut off upon completion of action or contract, whichever is appropriate. Destroy 5 years after cut off.”

## **XII. SECURITY**

- 1) What types of administrative safeguards protect the information?

- Contingency Plan
- User manuals for the system
- Rules of Behavior
- Non-Disclosure or other contractual agreement
- Other:

- 2) What types of physical safeguards protect the information?

- Guards
- Identification Badges
- Biometric
- Cameras
- Physically secured space with need to know access
- Other:

3) What types of technical safeguards protect the information?

- User Identification
- Firewall
- Virtual Private Network (VPN)
- Multi-factor Authentication (MFA)
- Passwords
- Encryption
- De-Identification
- Anonymization
- Other:

4) What monitoring, recording, and auditing safeguards are in place to prevent or detect unauthorized access or inappropriate use of the information?

Scans of the machines housing the database and the software are performed on a regular basis. Each case file is assigned in the FILAC application to one or more CFTC staff. Logs are created recording the sign-in and sign-off times of CFTC staff.

### **XIII. TRAINING**

1) What privacy training is provided to users of the system?

CFTC staff receive training before gaining access to FILAC for the first time. In addition, annual privacy and cybersecurity training is mandatory for all CFTC staff.