

January 8, 2021

**FOIA CONFIDENTIAL TREATMENT REQUEST**  
**Pursuant to 17 C.F.R. §§ 145.5 and 145.9**

**VIA EMAIL TO FOIAsubmissions@cftc.gov**

Assistant Secretary of the Commission for FOI,  
Privacy and Sunshine Act Compliance  
Commodity Futures Trading Commission  
Three Lafayette Centre  
1155 21<sup>st</sup> Street, N.W.  
Washington, D.C. 20581

**Re: Petition for Confidential Treatment**

Dear Sir or Madam:

The Options Clearing Corporation (“OCC”) has on this date provided the material described in Appendix A to this letter (the “Confidential Materials”) to the Secretary of the Commodity Futures Trading Commission (“CFTC” or the “Commission”) in connection with a rule filing made pursuant to CFTC Regulation 40.6(a).

In accordance with the provisions of Commission Regulations 145.5 and 145.9, we hereby request confidential treatment of the Confidential Materials. Confidential treatment is requested, *inter alia*, on the grounds that the Confidential Materials contains data and information that would separately disclose business transactions and trade secrets, which may not be disclosed to third parties as provided in Section 8(a) of the Commodity Exchange Act and Commission Regulation 145.5(c)(1). Confidential treatment additionally is requested on the grounds that the Confidential Materials is exempt from disclosure under paragraph (b)(4) of the Freedom of Information Act (“FOIA”) and Commission Regulations 145.5(d) and 145.9(d)(1)(ii) because it contains commercial and financial information that is confidential and would be of material assistance to competitors of OCC.

In accordance with the provisions of paragraph (d)(5) of Commission Regulation 145.9, we request that the Confidential Materials be afforded confidential treatment in perpetuity.

We understand that if the Commission receives a FOIA request for the Confidential Materials, we will be notified of such request in accordance with the Commission's regulations and will be asked to submit, within ten business days, a detailed written justification for confidential treatment of the Confidential Materials. *See* Commission Regulation § 149.5(e)(1); *see also* Executive Order 12600, 52 Fed. Reg. 23781 (June 23, 1987) (detailing pre-disclosure notification procedures under FOIA). In such event, we request that Commission staff telephone or email the undersigned rather than rely upon United States mail for such notice.

If the Commission or its staff transmits any of the Confidential Materials to another federal agency, we request that you forward a copy of this letter to any such agency with the Confidential Materials and further request that you advise any such agency that OCC has requested that this material be accorded confidential treatment.

The requests set forth in the preceding paragraphs also apply to any memoranda, notes, transcripts or other writings of any sort whatsoever that are made by, or at the request of, any employee of the Commission (or any other federal agency) and which (1) incorporate, include or relate to any aspect of the Confidential Materials; or (2) refer to any conference, meeting, or telephone conversation between OCC, its current or form employers, representatives, agents, auditors or counsel on one hand and employees of the Commission (or any other governmental agency) on the other, relating to the confidential materials.

Any questions regarding this request for Confidential Treatment, as well as any notices pursuant to Commission Regulation § 145.9(e), should be directed to the attention of the undersigned at (312) 322-6246 or [bbrockway@theooc.com](mailto:bbrockway@theooc.com).

Sincerely,



Blake J. Brockway  
Vice President, Associate General Counsel

Enclosure: Appendix A

Cc: August Imholtz