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June 11, 2018

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

Re: Self-Certification Pursuant to Commission Rule 40.6 – Amendments to ICE Clear US Rule 701 (Confidential Information)

Dear Mr. Kirkpatrick:

ICE Clear US, Inc. (“ICE Clear US”), a registered derivatives clearing organization under the Commodity Exchange Act, as amended (the “Act”), hereby submits to the Commodity Futures Trading Commission (the “Commission”), pursuant to Commission Rule 40.6 for self-certification, certain amendments to the ICE Clear US Rules, as discussed herein.¹ The amendments are to become effective on the first business day following the tenth business day after submission, or such later date as ICE Clear US may determine.

Concise Explanation and Analysis

ICE Clear US is amending Rule 701, which addresses the confidential treatment of certain information, as part of its program to comply with the requirements of the European Union (“EU”) General Data Protection Regulation (“GDPR”),² became effective on May 25, 2018.

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”³ and it applies to all organizations doing business with individuals located in the EU. The amendments ICE Clear US is adopting to Rule 701 impose requirements on Clearing Members and other

¹ Capitalized terms used but not defined herein have the meanings specified in the Rules.

² 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.

³ 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.

market participants to ensure that they have a lawful basis for providing Personal Data to ICE Clear US. The amendments also provide that ICE Clear US can use Personal Data for the purposes of fulfilling contractual obligations and conducting its operations in a manner that complies with the Rules, CFTC regulations and the Act. In addition, the amendments add provisions addressing the treatment of recordings of conversations between ICE Clear US, Clearing Members and other market participants.

Compliance with the Act and CFTC Regulations

The amendments are potentially relevant to the following core principles: (A) Compliance, (R) Legal Risk and (K) Recordkeeping, and the applicable regulations of the Commission thereunder.

- *Compliance and Legal Risk.* The amendments are designed to facilitate compliance with the GDPR by ICE Clear US, its Clearing Members and other market participants. This will help ensure that ICE Clear US has a well-founded, transparent and enforceable legal framework with respect to its activities in all relevant jurisdictions. As a result, ICE Clear US believes the amendments are consistent with the requirements of Core Principles A and R and Commission Rules 39.10 and 39.27.
- *Recordkeeping.* The amendments ensure that the receipt of Personal Data by ICE Clear US is compliant with the GDPR and that Personal Data can be used by ICE Clear US for the purposes of fulfilling contractual obligations and conducting its operations in compliance with the Rules, CFTC regulations and the Act. As a result, ICE Clear US believes the amendments are consistent with the requirements of Core Principle K and Commission Rule 39.20.

As set forth herein, the amendments consist of changes to the Rules. A copy of the amendments is attached hereto.

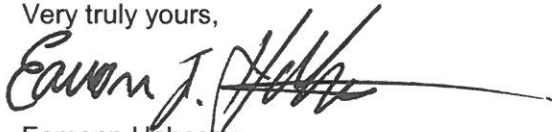
ICE Clear US hereby certifies that the amendments comply with the Act and the Commission's regulations thereunder.

ICE Clear US has received no substantive opposing views in relation to the proposed amendments.

ICE Clear US has posted a notice of pending certification and a copy of this submission on its website concurrent with the filing of this submission.

If you or your staff should have any questions or comments or require further information regarding this submission, please do not hesitate to contact the undersigned at eamonn.hahessy@theice.com or (212) 748-3964.

Very truly yours,



Eamonn Hahessy
General Counsel and Chief Compliance Officer

Rule 701. Confidential Treatment of Information and Personal Data

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

(i) For the purpose of this Rule 701(c), the terms "Process" (and derivations thereof), "Personal Data" and "Controller" shall have the meaning given to such terms in the General Data Protection Regulation (EU) 2016/679 (including any relevant implementing measure or successor legislation thereto) and the term "Member" includes market participants, whether or not they have become Clearing Members.

(ii) The Corporation 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 these Rules, CFTC regulations and the Act.

(iii) Each Member shall ensure that in respect of any Personal Data that it provides to the Corporation it has a lawful basis for processing the relevant Personal Data in this manner.

(iv) Each Member and the Corporation:

(A) acknowledges that the recording of conversations between the trading, clearing and other relevant personnel of the Member and/or its affiliates and the Corporation 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 Rule 701(c) shall apply to any such recordings made by the Corporation; and

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