



November 2, 2023

CFTC FOIA Compliance Office
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20581
FOIAsubmissions@cftc.gov

Re: FOIA Confidential Treatment Request:
Petition Pursuant to Regulation 145.9(d)

All:

Pursuant to § 145.9(d) of the regulations promulgated by the Commodity Futures Trading Commission (“Commission” or “CFTC”) under the Commodity Exchange Act (“CEA”) and pursuant to the Freedom of Information Act (“FOIA”), Cboe Digital Exchange, LLC (“CDE”) hereby petitions the Commission for confidential treatment of: Exhibit A to the Self-Certification for a new license incentive program for CDE Trading Privilege Holders (“TPHs”) that are futures commission merchants (“FCMs”) (CDE-2023-08E); and Exhibit A to the Self-Certification for a new incentive program for CDE TPHs that are default auction liquidity providers (CDE-2023-09E), each submitted to the CFTC via the CFTC Portal on November 2, 2023 (“Covered Information”).

The Covered Information should be afforded confidential treatment based on, among other things, § 145.9(d)(1)(ii) of the Commission’s regulations, which implements FOIA Exemption 4 of the Freedom of Information Act (5 U.S.C. § 552(b)(4)), because disclosure would reveal CDE trade secrets and confidential commercial or financial information. CDE hereby requests that the Covered Information be afforded confidential treatment in perpetuity.

CDE requests that the Commission notify CDE upon the receipt of any request by any party for any access under FOIA to the Covered Information or any court order, subpoena, or summons for disclosure of the Covered Information for the entire duration that the Commission retains the Covered Information. CDE further requests notification in the event that the Commission intends to disclose the Covered Information in whole or in part to Congress or to any other governmental agency or unit pursuant to Section 8 of the CEA. CDE does not waive its notification rights under Section 8(f) of the CEA with respect to any subpoena or summons for the Covered Information.

The address at which CDE can be reached is as follows:

433 West Van Buren Street, Suite 700S
Chicago, Illinois 60607
Attention: General Counsel

Please contact me at kkirkpatrick@cboe.com or (312) 786-7431 if you have any questions

regarding this request.

Cboe Digital Exchange, LLC

[/s/ Katherine Kirkpatrick](#)

By: Katherine Kirkpatrick, Chief Legal Officer