UNITED STATES
COMMODITY FUTURES TRADING COMMISSION
Three Lafayette Centre
1155 21st Street, NW
Washington, DC 20581

Statement to Persons Providing Information about Themselves to the Commodity Futures Trading Commission ("Commission" or "CFTC")

This document sets forth your legal rights and responsibilities (i) as a person requested to supply information about yourself voluntarily, (ii) as a person with recordkeeping obligations under the Commodity Exchange Act ("Act") or the Commission Regulations promulgated thereunder ("Regulations"), (iii) as a person directed to provide information to the Commission pursuant to a special call, or as a person directed to provide sworn testimony or produce documents pursuant to a subpoena. When applicable, this statement also provides important information about the deposition process for persons providing testimony. Unless stated otherwise, the information below applies whether you are providing information voluntarily, pursuant to the recordkeeping obligations of a registrant, pursuant to a special call, or pursuant to a subpoena.

PRIVACY ACT

To restrict unauthorized dissemination of personal information, the Privacy Act of 1974, 5 U.S.C. § 552a, limits an agency's ability to disclose such information.[1] Under the Privacy Act, the Commission may disclose protected information as follows: when the individual to whom the record pertains consents in writing; when officers and employees of the Commission need the record to perform their duties; when required by the terms of the Freedom of Information Act, 5 U.S.C. § 552; or when disclosure is for a "routine use" (i.e., one compatible with the purpose for which the information was collected).

The Privacy Act also requires that, in certain situations, individuals requested to provide information about themselves receive notice of the following:

1. PURPOSE OF SOLICITATION OF INFORMATION.

The Commission's principal purpose in soliciting information from you when conducting an enforcement investigation is to determine whether any person has violated, is violating, or is about to violate the Act or the Regulations. In certain circumstances, the Commission may be obtaining information at the request of a foreign futures authority under Section 12(f) of the Act, 7 U.S.C. § 16(f).

2. AUTHORITY FOR SOLICITATION OF INFORMATION.

a. *Persons Requested To Supply Information Voluntarily.* The Commission has authority to collect this information pursuant to one or more sections of the Act and

[1] Individuals should refer to the full text of the Privacy Act, 5 U.S.C. § 552a, to Part 146 of the Commission's Regulations, 17 C.F.R. pt. 146, and to the CFTC's compilation of System of Record Notices, 76 Fed. Reg. 5974 (Feb. 2, 2011), for a complete list of authorized disclosures and coverage of the Act. Only those disclosures arising most frequently are mentioned in this document.

the Regulations promulgated thereunder, including Section 8 of the Act, 7 U.S.C. § 12, and Part 11 of the Regulations, 17 C.F.R. pt. 11. Disclosure of the requested information to the Commission is voluntary on your part.

b. *Persons Directed To Supply Information Pursuant to Subpoena.* The authority for requiring production of information is set forth in the subpoena.

c. *Whistleblowers.* The Commission has authority to collect information from persons seeking to participate in the Commission's whistleblower program pursuant to Section 23 of the Act, 7 U.S.C. § 26, and Part 165 of the Regulations, 17 C.F.R. pt. 165.

d. *Persons Directed to Supply Information Pursuant to a Provision of the Act or Regulations.* The authority for requiring production of information is set forth in the request.

3. EFFECT OF NOT SUPPLYING INFORMATION.

a. *Persons Requested To Supply Information Voluntarily.* There are no direct effects or sanctions for failing to provide any or all of the requested information. If you do provide information, however, you should note the sanctions for false statements and documents described above.

b. *Persons Directed To Supply Information Pursuant to Subpoena.* Disclosure of information to the Commission pursuant to a subpoena is mandatory, subject to the valid assertion of any legal right or privilege you might have. If you fail to comply with the subpoena, the Commission may seek a court order requiring you to do so. If the Commission obtains such an order and you thereafter fail to supply the information, you may be subject to civil and/or criminal sanctions for contempt.

c. *Whistleblowers*. Failure to provide information requested by Commission staff in relation to a whistleblower submission may affect your ability to receive a whistleblower award, or the potential amount of an award.

d. *Persons Directed to Supply Information Pursuant to a Provision of the Act or Regulations*. Disclosure of information to the Commission pursuant to a provision of the Act or Regulations is mandatory, subject to the valid assertion of any legal right or privilege you might have. Failure to submit or make available for inspection the requested information constitutes a violation of the Act and Regulations, and may result in any or all of the actions under Section 6(c) or 6c of the Act, 7 U.S.C. §§ 9, 13.

4. ROUTINE USES OF INFORMATION.

The Commission often makes its files available to other governmental agencies, including the Department of Justice, the Securities & Exchange Commission, and state prosecutors. There is a likelihood that information supplied by you will be made available to such agencies where appropriate.

The information collected will be used pursuant to System of Records Notice (SORN) CFTC-10, Investigatory Records; CFTC-15, Enterprise Surveillance, Oversight & Risk Monitoring; or CFTC-49, Whistleblower Records. Information you provide also may be used in the routine operation of the Commission, which includes law enforcement, review of legislative and regulatory proposals, regulation of the commodity futures and swaps markets, and review of reports and documents filed with the Commission. A complete use of blanket routine uses for Commission System of Records Notices is published in the Federal Register at 76 Fed. Reg. 5974 (Feb. 2, 2011).

FREEDOM OF INFORMATION ACT

The Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"), and the Commission's rules and regulations pursuant thereto, 17 C.F.R. pt. 145, generally provide for disclosure of information to the public, unless information falls within a specified exemption. Regulation 145.9, 17 C.F.R. § 145.9, establishes the procedure by which you may request that certain sensitive information not be disclosed pursuant to a FOIA request.

FALSE STATEMENTS AND DOCUMENTS

Any person who knowingly and willfully makes false or fraudulent statements, whether under oath or otherwise, or falsifies, conceals or covers up a material fact, or submits any false writing or document, knowing it to contain false, fictitious or fraudulent information, is subject to the criminal penalties set forth in 18 U.S.C. § 1001, which include imprisonment of not more than five years, imposition of a substantial fine under the Federal Sentencing Guidelines, or both.

It shall also be unlawful for any person to make any false or misleading statement of a material fact to the Commission, including in any registration application or any report filed with the Commission under this Act, or any other information relating to a swap, or a contract of sale of a commodity, in interstate commerce, or for future delivery on or subject to the rules of any registered entity, or to omit to state in any such statement any material fact that is necessary to make any statement of a material fact made not misleading in any material respect, if the person knew, or reasonably should have known, the statement to be false or misleading, as set forth in Section 6(c)(2) of the Act, 7 U.S.C. § 9(2)