



Commodity Futures Trading Commission

Office of Public Affairs

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Final Regulations Regarding the Protection of Consumer Information Under the Fair Credit Reporting Act

The Commodity Futures Trading Commission (CFTC) announced the publication in the Federal Register of final regulations that provide protections to consumer information held by entities that are subject to CFTC jurisdiction. These regulations implement provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act)

On July 21, 2010, Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act. Among other things, the Dodd-Frank Act further amended the Fair Credit Reporting Act and the Fair and Accurate Credit Transactions Act of 2003 to:

- Create a regime for a consumer to prohibit entities that are subject to CFTC jurisdiction from using certain consumer information obtained from an affiliate to make solicitations to that consumer for marketing purposes.
- Require entities subject to CFTC jurisdiction that possess or maintain consumer information in connection with their business activities to develop and implement a written program and procedures for the proper disposal of such information.

Who would be affected by the final regulations?

The final regulations apply to futures commission merchants, retail foreign exchange dealers, commodity trading advisors, commodity pool operators, introducing brokers, swap dealers and major swap participants, regardless of whether they are required to register with the CFTC.

When do the final regulations become effective?

The final regulations become effective 120 days after the date such regulations are published in the [Federal Register](#).

What changes were made to the final regulations from the proposed regulations?

The final regulations are substantially similar to the proposed regulations. In response to four comment letters, the CFTC has made minor changes to the final regulations to ensure consistency with the other federal agencies' final regulations.