Via Email (rule-comments@sec.gov) and via mail

Brent J. Fields

Secretary U.S. Securities and Exchange Commission

100 F Street, NE

Washington, DC 20549-1090

Re: **File No. S7-19-15**

Dear Secretary Fields:

I am writing to comment on the Securities and Exchange Commission's ("Commission") proposal to amend its Rules of Practice to require persons involved in administrative proceedings to submit all documents and other items electronically ("Proposed Rules").

1. **Background**

I am a whistleblower. I currently have two claims being reviewed for a possible award. I'm writing in my individual capacity as a whistleblower who will be impacted by proposed rule and as an individual investor.

I voluntarily reported financial crimes and concerns regarding EFT trading by several private equity companies. My concerns were forwarded to the Security Exchange Commission by FINRA with over 800 pages of evidence. Then FINRA violated the Privacy Act and Dodd Frank whistleblower protections by revealing my identity to several parties I reported to the agencies.

I reported my concerns regarding FINRA violating the Privacy Act and Dodd-Frank violations to both FINRA and the Security Exchange Commission requesting an investigation. I have received no response from either agency regarding my several requests. Instead, I am responding to what I believe is an "**Ex post rulings**" to my concerns and an attempt to eliminate responsibility to protect whistleblowers.

2. The Privacy Act prohibits disclosure of home addresses by the Commission. Under the Proposed Rules, a party to an administrative proceeding would be required to omit sensitive personal information from electronic filings and submissions. However, the Commission is not proposing to require a party to remove home addresses. Ostensibly, the Commission is requiring this in order to fulfill its obligations under the **Privacy Act of 1974, 5 U.S.C. § 552a ("Privacy Act").** Thus, the Proposed Rules implicitly assume that disclosure of home addresses is permitted under the Privacy Act. Section 552a provides:

No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be— . . . (2) required under section 552 of this title [Freedom of Information Act ("**FOIA**")].

The law would need to be changed before this rule could be adopted by the Commission. Also, you should not be able to use information but not protect the individual giving the information.

5 U.S.C. § 552(b)(6) ***In Dept. of Defense v. FLRA, 510 U.S. 487 (1994),*** the U.S. Supreme Court held that addresses are "records" and that disclosure of addresses would be a clearly unwarranted invasion of federal employees' privacy. In reaching this conclusion, the Court weighed the interest under FOIA against the privacy interests of the employees. The Court found the interest under FOIA to be scant, because home addresses shed no light on what the government was up to. **See Department of Justice v. Reporters Comm. for Freedom of Press, 489 U.S. 749 (1989).** While acknowledging that often home addresses are often publicly available, the Court found that an "*individual's interest in controlling the dissemination of information regarding personal matters does not*

dissolve simply because that information may be available to the public in some form." **Dept. of Defense, 510 U.S. at 500**.

FINRA violated the Privacy Act in its disclosure of my name, address and evidence submitted to the agency. Security Exchange Commission should not be able to ignore my request for an investigation by passing a rule to remove its supervisorial responsibilities. Violating federal disclosure laws furthers no FOIA interest while individuals have a significant interest in maintaining the privacy of their home addresses. Therefore, the Privacy Act bars the Commission from disclosing home addresses.

3. The Commission may not avoid its obligations under the Privacy Act. In proposing to require parties to omit sensitive personal information, the Commission is transparently attempting to devolve its Privacy Act responsibilities on private parties. As noted in the Commission's economic analysis, it currently undertakes responsibility for removal of protected information from information filed in hard copy form. Thus, the Commission apparently believes that if it adopts the Proposed Rules, it will be able to shift these costs to private parties who generally have no choice but to participate in proceedings instituted by the Commission.

Whether or not the Commission requires parties to delete protected information from electronic filings, it remains responsible for not disclosing information in violation of the Privacy Act. Thus, should a party fail to omit information prohibited from disclosure, **the Commission could be subject to civil liability under the Privacy Act, including damages, reasonable attorneys' fees and other costs. 5 U.S.C. § 552a(g). In addition, an officer or employee of the Commission may be fined up to $5,000 for knowingly and willfully disclosing individually identifiable information that is prohibited from such disclosure by the Privacy Act or by agency regulations. 5 U.S.C. § 552a(i).** The Commission's economic analysis fails to consider these potential costs.

4. The Proposed Rules are illogical. The Proposed Rules would require that sensitive personal information be "redacted or omitted" and is its current practice. It is clear what the Commission intends avoid responsibility of protecting sensitive personal information. The Commission should avoid the ambiguity of pleonasm in amending its rules.

Best Regards,

/s/ Whistleblower #45

(Dallas, Texas)

**I can provide more detail claim and case information if needed (My attorney also has a copy of this letter)*