

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 95662 / September 1, 2022

Admin. Proc. File No. 3-21013

In the Matter of the Application of

JOHN DOE

For Review of Action Taken by

FINRA

ORDER REQUESTING ADDITIONAL WRITTEN SUBMISSIONS

On August 12, 2022, a formerly associated person of a FINRA member firm (“Applicant”) filed an application for review of FINRA’s denial of his request to remove certain information from his Central Registration Depository record. Applicant captioned his filing as being brought by “John Doe,” although within the application he “confidentially disclosed to the Commission” his full legal name. Commission Rule of Practice 322 governs confidentiality requests in proceedings such as this by providing that “a party . . . may file a motion requesting a protective order to limit from disclosure to other parties or to the public documents or testimony that contain confidential information.”¹ Rule 322 further provides that such a motion for a protective order shall be granted only upon a finding that the harm resulting from disclosure would outweigh the benefits of disclosure.”² Here, Applicant neither moved for such an order under Rule 322 nor otherwise addressed the standard set forth in that rule.

¹ 17 C.F.R. § 201.322(a); *see also Alpine Secs. Corp.*, Exchange Act Release No. 85245, 2019 WL 1033859, at *1 & n.2 (Mar. 4, 2019) (observing that the Commission has addressed requests for confidentiality under Rule of Practice 322); *Laurie Bebo*, Exchange Act Release No. 77204, 2016 WL 702363 (Feb. 22, 2016) (addressing request for confidential treatment of information under Rule of Practice 322); <https://www.sec.gov/efapdocs/instructions.pdf> (providing instructions for filing requests for confidential treatment).

² 17 C.F.R. § 201.322(a); *see also Alpine Secs. Corp.*, Exchange Act Release No. 87599, 2019 WL 6251313, at *12 (Nov. 22, 2019) (discussing “the presumption of disclosure under our rules”); *Dominic A. Alvarez*, Exchange Act Release No. 53231, 2006 WL 328034, at *1 (Feb. 6, 2006) (observing that “[t]he Commission has long underscored the importance of conducting

Accordingly, it is ORDERED that Applicant supplement his application for review by filing a brief by September 15, 2022, explaining the basis for any request for confidential treatment of his name or other information that he does not wish disclosed. In doing so, Applicant “should clearly identify which information Applicant seek[s] to protect and should offer an explanation as to why the harm resulting from disclosure would outweigh the benefits of disclosure.”³ If Applicant fails to make such a filing, the Commission will publish filings made in this proceeding and information contained therein consistent with its standard practice.

For the Commission, by the Office of the General Counsel, pursuant to delegated authority.

Vanessa A. Countryman
Secretary

open administrative proceedings”); Rule of Practice 322(b), 17 C.F.R. § 201.322(b) (“Documents and testimony introduced in a public hearing are presumed to be public.”).

³ *Kabani & Co.*, Exchange Act Release No. 76266, 2015 WL 6447449, at *2 (Oct. 26, 2015) (explaining general process for seeking a protective order under Rule 322).