

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-105622]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Cboe 2 Exchange, Inc.; Cboe BZX Exchange, Inc.; Cboe EDGX Exchange, Inc.; Cboe EDGA Exchange, Inc.; Cboe BYX Exchange, Inc.; Declaration of Effectiveness of the Fingerprint Plan of Cboe Exchange, Inc.; Cboe 2 Exchange, Inc.; Cboe BZX Exchange, Inc.; Cboe EDGX Exchange, Inc.; Cboe EDGA Exchange, Inc.; and Cboe BYX Exchange, Inc.

June 5, 2026.

On March 12, 2026, Cboe Exchange, Inc.; Cboe 2 Exchange, Inc.; Cboe BZX Exchange, Inc.; Cboe EDGX Exchange, Inc.; Cboe EDGA Exchange, Inc.; and Cboe BYX Exchange, Inc. (collectively, “CBOE” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”) a new fingerprint plan (“Plan”)¹ pursuant to Rule 17f-2(c)² under the Securities Exchange Act of 1934 (“Act”).³ This Plan supersedes and replaces Cboe Exchange, Inc.’s current fingerprint plan, which was declared effective for the Commission by the Division of Trading and Markets, pursuant to delegated authority, on December 19, 2002 (the “2002 Fingerprint Plan”).⁴

CBOE states that it is adopting this Plan because it is retiring its fingerprint processing

¹ Attached hereto as Exhibit A. See also letter from Laura Dickman, Vice President, Associate General Counsel, CBOE, to Lauren Yates, Senior Special Counsel, Office of Market Supervision, Division of Trading and Markets, dated March 12, 2026 (“CBOE Letter”).

² 17 CFR 240.17f-2(c).

³ 15 U.S.C. 78a et seq.

⁴ See Securities Exchange Act Release No. 46467A (December 19, 2002), 67 FR 79195 (December 27, 2002) (Approval of Chicago Board Options Exchange, Inc. Fingerprint Plan). Pursuant to the 2002 Fingerprint Plan, Cboe Exchange, Inc. channels fingerprints for, among others, individual partners, directors, officers, and employees of its members and member applicants. Cboe Exchange, Inc. will continue to channel fingerprints for these personnel consistent with the 2002 Fingerprint Plan until the Plan is implemented.

platform, which it has been using for over twenty years, due to the availability of more modern alternatives offered by private vendors approved by the Federal Bureau of Investigation (“FBI”) to channel fingerprints.⁵ Therefore, as discussed in more detail below, CBOE states that it will use an FBI-approved private channeler (“FBI-Approved Channel Partner”)⁶ with which it has contracted to satisfy CBOE’s fingerprinting requirements under Section 17(f)(2) of the Act with respect to its partners, directors, officers, and employees (“Exchange Personnel”).⁷ CBOE will also continue to maintain an arrangement with the Financial Industry Regulatory Authority, Inc. (“FINRA”) to provide a facility for the personnel of Exchange members and Exchange member applicants (“Member Personnel”) to have their fingerprints submitted and processed electronically to facilitate their continued compliance with fingerprinting requirements under Section 17(f)(2) of the Act.⁸

For the reasons discussed below, the Commission finds that, pursuant to Rule 17f-2(c) of the Act, the Plan is not inconsistent with the public interest and the protection of investors and, therefore, declares the Plan to be effective.

⁵ See CBOE Letter at 1.

⁶ The FBI-Approved Channel Partner is one of a limited number of entities approved by the FBI to submit fingerprints to the FBI and receive the results on behalf of an organization using that information for authorized non-criminal justice purposes (e.g., employment suitability, licensing determinations, etc.). The FBI reviews and approves all outsourced channeling relationships consistent with its outsourcing standards and protocols. As outlined in the March 6, 2006 letters from the FBI’s National Crime Prevention and Privacy Compact Council Office (“CCO Letters”), the FBI has reviewed and conditionally granted permission to CBOE to use a specified FBI-Approved Channel Partner contingent upon CBOE filing a fingerprint plan with the Commission and the Commission declaring that fingerprint plan effective. See CCO Letters, available at <https://www.cboe.com/markets/us/options/memberships> (under Fingerprint Process Information). The terms of the CCO Letters are incorporated by reference in the Plan. See Exhibit A at 1, n.2.

⁷ See also infra Section 2.

⁸ See also infra Section 3.

1. Applicable Standard

Section 17(f)(2) of the Act provides, in pertinent part, that “every member of a national securities exchange, broker, dealer, registered transfer agent and registered clearing agency . . . and national securities association shall require that each of its partners, directors, officers, and employees be fingerprinted and shall submit such fingerprints, or cause the same to be submitted, to the Attorney General of the United States for identification and appropriate processing.”⁹ However, in accordance with Rule 17f-2(c), the fingerprinting requirement of Section 17(f)(2) may be satisfied by submitting appropriate and complete fingerprint cards to, among others, a registered national securities exchange which, pursuant to a plan filed with and declared effective by the Commission, forwards such fingerprint cards to the Attorney General or its designee for identification and appropriate processing.¹⁰ Under Rule 17f-2(c), such a fingerprinting plan—like Cboe Exchange, Inc.’s 2002 Fingerprint Plan and this Plan—shall not become effective unless it is declared effective by the Commission, which requires the Commission to find that the plan is “not inconsistent with the public interest or the protection of investors.”¹¹

CBOE states that the purpose of the Plan is to facilitate compliance with Section 17(f)(2) of the Act by providing a program for Exchange members, Exchange member applicants, and the Exchange to have the fingerprints of their partners, directors, officers, and employees processed by the Attorney General.¹²

⁹ 15 U.S.C. 78q(f)(2). Hereinafter, “Attorney General of the United States” referred to as “Attorney General.”

¹⁰ 17 CFR 240.17f-2(c).

¹¹ See id. The Commission may also impose any terms and conditions relating to the provisions of the plan and the period of its effectiveness as it may deem necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. See id.

¹² See Exhibit A at 1.

2. Exchange Personnel

Under the 2002 Fingerprint Plan, Cboe Exchange, Inc. facilitates its own, as well as securities industry participants', compliance with fingerprinting requirements under Section 17(f)(2) of the Act by directly channeling to the FBI fingerprints submitted by required individuals.¹³ However, under the Plan, the Exchange will partner with an FBI-Approved Channel Partner to process fingerprints and identifying information from Exchange Personnel who are required to be fingerprinted under Section 17(f)(2) of the Act.¹⁴ The FBI-Approved Channel Partner will offer state-of-the-art fingerprint services to CBOE that include collecting fingerprints at locations nationwide.¹⁵ The FBI-Approved Channel Partner will fingerprint Exchange Personnel or accept fingerprints of Exchange Personnel (either in electronic or hard copy format) and will submit such fingerprints to the Attorney General for processing consistent with the protocols and requirements established by the Attorney General.¹⁶ The FBI-Approved Channel Partner will track the fingerprints' status and securely make both the statuses and results available to the Exchange.¹⁷ CBOE will make those results available to authorized recipients, consistent with protocols and requirements established by the Attorney General, and will evaluate the fingerprint results and take any appropriate action.¹⁸

¹³ See CBOE Letter at 2. Cboe Exchange, Inc. utilizes a Live-Scan electronic system for the taking of fingerprints and can also manually take fingerprints and receive manually taken fingerprint cards. See id.

¹⁴ See Exhibit A at 1.

¹⁵ See Cboe Letter at 3.

¹⁶ See Exhibit A at 1.

¹⁷ See CBOE Letter at 3.

¹⁸ See Exhibit A at 2.

3. Member Personnel

Under the Plan, CBOE will continue its arrangement with FINRA to permit Member Personnel to be electronically registered with the Exchange through FINRA's Web Central Registration Depository ("Web CRD") and have their fingerprints processed and submitted to the FBI through the facilities of FINRA.¹⁹ Specifically, all persons who are seeking registration with the Exchange or are currently registered with the Exchange submit fingerprint cards or fingerprint results to FINRA, which then forwards the fingerprints to the Attorney General.²⁰ The Attorney General identifies submitted fingerprints, retrieves relevant criminal history information, and returns fingerprint reports to FINRA.²¹ The status of the fingerprint submissions of Member Personnel and the results of the processed fingerprints (including relevant criminal history, if any) will continue to be maintained through Web CRD.²²

FINRA notifies the Exchange if the fingerprint results received by FINRA contain information indicating that the person is subject to a statutory disqualification.²³ In such an instance, the Exchange reviews the fingerprint results to determine the possible existence of a statutory disqualification as defined in Section 3(a)(39) of the Act, and takes appropriate action, if necessary, concerning eligibility or continued eligibility of the individual for employment or association with an Exchange member.²⁴ Accordingly, CBOE will continue to review the

¹⁹ See CBOE Letter at 3-4. The Web CRD is operated by FINRA and is used by participating regulators in connection with registering and licensing broker-dealers and their associated persons. See Exhibit A at 2.

²⁰ See Exhibit A at 2.

²¹ See id.

²² See CBOE Letter at 4.

²³ See Exhibit A at 2.

²⁴ See id.

fingerprint results to fulfill its regulatory responsibilities, store those results in the Web CRD systems, and make them available to other regulators that are authorized to view the results.²⁵

4. Commission's Declaration of Effectiveness of the Plan

In accordance with Rule 17f-2(c) of the Act,²⁶ the Commission has reviewed the procedures in the Plan and concludes that the Plan is not inconsistent with the public interest and the protection of investors.

CBOE states its partnership with the FBI-Approved Channel Partner will enable it to continue to fulfill the requirement under Section 17(f)(2) of the Act to perform fingerprint-based background checks on Exchange Personnel. CBOE also states that performing these checks will enable the Exchange to identify persons with criminal convictions who may pose a threat to the safety of Exchange Personnel or the security of exchange facilities and records, and will help ensure CBOE's ability to protect investors and market integrity.²⁷ In addition, CBOE states that it will maintain its arrangement with FINRA to provide a facility for Member Personnel to have fingerprints submitted and processed, enabling it to satisfy fingerprinting requirements under Section 17(f)(2) of the Act. CBOE also states that it will continue to fulfill its critical regulatory and investor protection responsibilities, including the identification of Member Personnel required to be fingerprinted who may be subject to a statutory disqualification based on a criminal conviction.²⁸

²⁵ See CBOE Letter at 4. CBOE states that it reviews fingerprint results to ensure that applicants for registration have reported appropriately information responsive to the questions on Form U4 (the Uniform Application for Securities Industry Registration or Transfer) relating to criminal history and to identify whether any broker-dealer personnel required to be fingerprinted is subject to a statutory disqualification under the Act based upon a criminal conviction. See id. at 4, n.9.

²⁶ 17 CFR 240.17f-2(c).

²⁷ See CBOE Letter at 3.

²⁸ See id. at 4.

The Commission agrees with CBOE that these statutorily-mandated fingerprint-based background checks by an FBI-Approved Channel Partner under this Plan will continue to help protect investors and serve the public interest. Based on the foregoing, the Commission finds that, pursuant to Rule 17f-2(c) of the Act, the Plan is not inconsistent with the public interest and the protection of investors and, therefore, declares the Plan to be effective.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.²⁹

Sherry R. Haywood,

Assistant Secretary.

²⁹ 17 CFR 200.30-3(a)(17)(iii).

Exhibit A

Cboe Exchange, Inc.; Cboe C2 Exchange, Inc.; Cboe BZX Exchange, Inc.; Cboe EDGX Exchange, Inc.; Cboe EDGA Exchange, Inc.; and Cboe BYX Exchange, Inc.

Fingerprint Plan

Cboe Exchange, Inc.; Cboe C2 Exchange, Inc.; Cboe BZX Exchange, Inc.; Cboe EDGX Exchange, Inc.; Cboe EDGA Exchange, Inc.; and Cboe BYX Exchange, Inc. (collectively, the “Exchange”) submit this fingerprint plan (“Plan”) pursuant to Rule 17f-2(c) under the Securities Exchange Act of 1934 (“Exchange Act”). This Plan supersedes and replaces Cboe Exchange, Inc.’s current fingerprint plan, which was declared effective by the Securities and Exchange Commission (“Commission”) on December 19, 2002 (the “2002 Fingerprint Plan”).¹

The purpose of this Plan is to facilitate compliance with Section 17(f)(2) of the Exchange Act by providing a program for Exchange members, Exchange member applicants, and the Exchange to have the fingerprints of their partners, directors, officers, and employees processed by the Attorney General of the United States or its designee (hereinafter “Attorney General”).

1. Exchange Personnel

The Exchange is partnering with an FBI-approved private channeler (“FBI-Approved Channel Partner”)² to process fingerprints and identifying information from Exchange personnel who are required to be fingerprinted under Exchange Act Section 17(f)(2). The FBI-Approved Channel Partner fingerprints such personnel or accepts fingerprints of such personnel (either in electronic

¹ See Securities Exchange Act Release No. 46467A (December 19, 2002), 67 FR 79195 (December 27, 2002) (Approval of Chicago Board Options Exchange, Inc. Fingerprint Plan). Pursuant to the 2002 Fingerprint Plan, the Exchange channels fingerprints for, among others, individual partners, directors, officers, and employees of Exchange members and Exchange member applicants. The Exchange will continue to channel fingerprints for these personnel consistent with the 2002 Fingerprint Plan until the new fingerprinting process set forth in the Plan is fully implemented.

² The FBI-Approved Channel Partner is one of a limited number of entities approved by the FBI to submit fingerprints to the FBI and receive the results on behalf of an organization using that information for authorized non-criminal justice purposes (e.g., employment suitability, licensing determinations, etc.). The FBI reviews and approves all outsourced channeling relationships consistent with its outsourcing standards and protocols. As outlined in the March 6, 2026 letters from the FBI’s National Crime Prevention and Privacy Compact Council Office (“CCO Letters”), the FBI has reviewed and conditionally granted permission to Cboe to use a specified FBI- Approved Channel Partner contingent upon Cboe filing a fingerprint plan with the Commission and the Commission declaring that fingerprint plan effective. See CCO Letters, available at <https://www.cboe.com/markets/us/options/membership> (under Fingerprint Process Information) and <https://www.cboe.com/markets/us/equities/membership> (under Fingerprint Process Information). The terms of the CCO Letters are incorporated by reference in the Plan.

or hard copy format) and submits such fingerprints to the Attorney General for processing consistent with protocols and requirements established by the Attorney General.

The Exchange will receive results from the FBI-Approved Channel Partner after the fingerprints have been processed by the Attorney General and makes those results available to authorized recipients, consistent with protocols and requirements established by the Attorney General. The Exchange evaluates the fingerprint results and takes any appropriate action in accordance with the terms of the Associate Handbook.

Copies of fingerprint processing results received from the Attorney General with respect to fingerprints submitted by the FBI-Approved Channel Partner pursuant to this Plan are maintained by the FBI-Approved Channel Partner.

2. Exchange Members and Exchange Member Applicants

The Exchange has established an arrangement with the Financial Industry Regulation Authority, Inc. (“FINRA”), to permit all individuals that must be registered with, or approved by, the Exchange (“registered persons”) to be electronically registered with the Exchange through FINRA's Web Central Registration Depository (“Web CRD”). The Web CRD is a Web-based system that provides broker-dealers and their associated person with “one-stop filing” with the Commission, FINRA and other self-regulatory organizations and regulators. The Web CRD is operated by FINRA and is used by participating regulators in connection with registering and licensing broker-dealers and their associated persons.

In connection with the arrangement with FINRA, all persons who are seeking registration with the Exchange or are currently registered with the Exchange, submit fingerprint cards or fingerprint results to FINRA for processing and/or submission to the Attorney General. The Attorney General provides FINRA with fingerprint processing results for persons seeking registration, and results are provided to the members. FINRA notifies the Exchange if the fingerprint results received by FINRA contain information indicating that the person is subject to a statutory disqualification. In such an instance, the Exchange reviews the fingerprint results to determine the possible existence of a statutory disqualification as defined in section 3(a)(39) of the Act, and takes appropriate action, if necessary, concerning eligibility or continued eligibility of the individual for employment or association with an Exchange member.

The Exchange advises its members and member applicants of any fees charged in connection with processing of fingerprints pursuant to this Plan. The Exchange will file any such Exchange member fees with the Commission pursuant to section 19(b) of the Act.

Any copies of fingerprint reports received from the Attorney General with respect to fingerprints submitted by the Exchange pursuant to this Plan will be maintained by the Exchange in accordance with the Exchange's record retention obligations under the Act. Any maintenance of fingerprint records by the Exchange shall be for the Exchange's own administrative purposes, and the Exchange is not undertaking to maintain fingerprint records on behalf of Exchange members pursuant to Rule 17f-2(d)(2).

The Exchange shall not be liable for losses or damages of any kind in connection with the fingerprint services, as a result of a failure to properly follow the procedures described above, or as a result of lost or delayed fingerprint cards, fingerprint records, or fingerprint processing results, or as a result of any action by the Exchange or the Exchange's failure to take action in connection with this Plan.