

## SEC Reporting

**Section § 242.903 (Coded Information)** of the Securities and Exchange Commission (“SEC”) Regulation SBSDR- Regulatory Reporting and Public Dissemination of Security-Based Swap Information provides that:

- (a) If an internationally recognized standards-setting system that imposes fees and usage restrictions on persons that obtain UICs for their own usage that are fair and reasonable and not unreasonably discriminatory and that meets the criteria of paragraph (b) of this section is recognized by the Commission and has assigned a UIC to a person, unit of a person, or product (or has endorsed a methodology for assigning transaction IDs), the registered security-based swap data repository shall employ that UIC (or methodology for assigning transaction IDs). If no such system has been recognized by the Commission, or a recognized system has not assigned a UIC to a particular person, unit of a person, or product (or has not endorsed a methodology for assigning transaction IDs), the registered security-based swap data repository shall assign a UIC to that person, unit of person, or product using its own methodology (or endorse a methodology for assigning transaction IDs). If the Commission has recognized such a system that assigns UICs to persons, each participant of a registered security-based swap data repository shall obtain a UIC from or through that system for identifying itself, and each participant that acts as a guarantor of a direct counterparty’s performance of any obligation under a security-based swap that is subject to § 242.908(a) shall, if the direct counterparty has not already done so, obtain a UIC for identifying the direct counterparty from or through that system, if that system permits third-party registration without a requirement to obtain prior permission of the direct counterparty.
- (b) A registered security-based swap data repository may permit information to be reported pursuant to § 242.901,<sup>1</sup> and may publicly disseminate that information pursuant to § 242.902,<sup>2</sup> using codes in place of certain data elements.

### Background:

Rule 903 requires a registered SDR to use “unique identification codes” (“UICs”) to specifically identify a variety of persons and things. The following UICs are specifically required by Regulation SBSR: counterparty ID, product ID, transaction ID, broker ID, branch ID, trading desk ID, trader ID, platform ID, and ultimate parent ID.<sup>3</sup> Rule 903(a) provides that, if an internationally recognized

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<sup>1</sup> See Regulation SBSR – Reporting and Dissemination of Security-Based Swap Information (Exchange Act Rules 900 through 909); each subject to the time-limited relief from (i) Security-Based Swap data reporting requirements and (ii) requirements of an SBSDR so long as it registered as a swap data repository with the CFTC, each contained in Cross-Border Application of Certain Security-Based Swap Requirements (Part X.C and Part X.D) (the “No-Action Relief”), for relief from reporting of a Security-Based Swap (SBS) transaction or certain data element of an SBS transaction if the Commodity Futures Trading Commission (CFTC) reporting rules in force at the time do not require the reporting of the SBS transaction or the specific data elements of an SBS transaction.

<sup>2</sup> See the No-Action Relief for relief for a registered security-based swap data repository that does not disseminate an SBS transaction in a manner consistent with § 242.902 but instead disseminates (or does not disseminate) the SBS transaction in a manner consistent with Part 43 of the CFTC reporting rules in force at the time of the SBS transaction.

<sup>3</sup> Subject to the No-Action Relief which provides that a reporting party may omit to report certain data elements as required by any provision of Rules 901(c)(2)-(7) if those data elements are not required to be reported under

standards-setting system (“IRSS”) meeting certain criteria is recognized by the Commission and has assigned a UIC to a person, unit of a person, or product (or has endorsed a methodology for assigning transaction IDs), that UIC must be used by all registered SDRs and their participants in carrying out duties under Regulation SBSR. If the Commission has not recognized an IRSS—or if the Commission recognized IRSS has not assigned a UIC to a particular person or thing—the registered SDR is required to assign a UIC using its own methodology. Additionally, Rule 903(a) provides that, if the Commission has recognized such a system that assigns UICs to persons, each participant of a registered SDR shall obtain a UIC from or through that system for identifying itself, and each participant that acts as a guarantor of a direct counterparty’s performance of any obligation under a security-based swap that is subject to Rule 908(a) shall, if the direct counterparty has not already done so, obtain a UIC for identifying the direct counterparty from or through that system, if that system permits third-party registration without a requirement to obtain prior permission of the direct counterparty.

The Commission has recognized the GLEIS as an IRSS for assigning Legal Entity Identifiers (“LEIs”). As such, each participant of ICE Trade Vault shall obtain a UIC from or through that system for identifying itself, and each participant that acts as a guarantor of a direct counterparty’s performance of any obligation under a security-based swap that is subject to § 242.908(a) shall, if the direct counterparty has not already done so, obtain a UIC for identifying the direct counterparty from or through that system, if that system permits third-party registration without a requirement to obtain prior permission of the direct counterparty.

LEIs can only be obtained from a Local Operating Unit (LOU) endorsed by the Global LEI System’s Regulatory Oversight Committee (ROC). The list of ROC-endorsed LOUs and their contact information is available at [http://www.leiroc.org/publications/gls/lou\\_20131003\\_2.pdf](http://www.leiroc.org/publications/gls/lou_20131003_2.pdf)

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the CFTC rules as of date of transaction, except for the requirement for the reporting party to identify SBSs and underlying securities.

**Please complete sections below**

Below please indicate the reason why the Non-LEI Counterparty does not have a LEI:

Non-LEI Counterparty is an individual and not a company;

Non-LEI has not yet obtained a valid LEI.

The Requesting User agrees to immediately notify ICE Trade Vault should the Non-LEI Counterparty obtain a valid LEI and once the Requesting User is aware.

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Legal Entity Name of Non-LEI Counterparty Setup Request

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Date of Non-LEI Counterparty Setup Request

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User Legal Entity Requesting Set Up of Non-LEI Company

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Signature of Requesting User

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Name of Requesting User Signatory