

## **Appendix D - Privacy Policy Questionnaire**

National Futures Association (“NFA”) has developed the following questionnaire to assist firms in meeting their obligations under the CFTC’s privacy rules.

Many elements of the firm’s privacy policy must be described in the privacy notice given to customers. The firm’s policy and procedures for protecting customer records and information (see third bullet below) must be in writing separate from the privacy notice and should be maintained with the rest of the firm’s written procedures. Although the firm is not technically required to have a separate document describing every aspect of its privacy policy and procedures, a comprehensive written policy is the best way to ensure that firm personnel know what the firm’s policy is. This is important because just having a policy is not enough to meet your regulatory requirements. You must also implement and follow that policy.

The questions listed below are very general and do not cover every aspect of the privacy rules. You should consult the following CFTC Regulations when designing your privacy policy:

<https://www.ecfr.gov/current/title-12/chapter-X/part-1016/subpart-A/section-1016.6>

A firm’s privacy policy should answer all of the following questions as completely as possible. Although you may answer “not applicable” to particular questions, you should carefully consider the firm’s operations before doing so.

- Does the firm solicit, accept, or have any clients or customers who are individuals and who use the firm’s products or services primarily for personal, family or household purposes?  
[NOTE: If the answer to this question is “NO,” the firm is not required to have a privacy policy and does not need to answer the remaining questions.]
- What types of nonpublic personal information does the firm collect from clients or customers? Be specific. (NOTE: Nonpublic personal information includes account numbers, trading history, account balances, social security numbers and all financial information obtained from the customer. It also includes names and addresses when that information is included in a list derived in whole or in part from nonpublic personal information, such as a list of the firm’s customers.)
- What does the firm do – administratively, technically and physically – to maintain the confidentiality and security of customer information?
  - How does the firm safeguard paper documents?
  - How does the firm safeguard electronic information?
  - Who has access to nonpublic personal information?
  - How does the firm protect against unauthorized access, disclosure or use of the information?

- Does the firm disclose information to nonaffiliated third parties? If so, what categories of nonaffiliated third parties does the firm disclose customer information to? For each category, what information does the firm disclose and under what circumstances does the firm disclose it? Be specific.
- What types of information are included in the firm's written privacy notice? (If the firm has written privacy procedures, you should attach a copy of the privacy notice to those procedures.)
- When does the firm provide new customers with the firm's privacy policy? How often does the firm provide its privacy policy to existing customers?
- Under what circumstances does the firm provide its privacy policy to consumers who do not become customers?
- How does the firm distribute its privacy policy to customers (e.g., electronically or mailed, included with account statements)?
- Does the firm give customers an opt-out notice? (If the firm has written privacy procedures, you should attach a copy of the opt-out notice to those procedures.) [NOTE: Your firm does not have to give customers an opt-out notice if it does not share nonpublic personal information with nonaffiliated third parties.]
- When does the firm provide customers with amended privacy and opt-out notices?