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## Application Kit: Australian derivative trade repository licence (ADTR licence)

Key points

Refer to this kit and Appendix 2 of Regulatory Guide 249 Derivative trade repositories (RG 249) after you have decided that you want to apply for an Australian Derivative Trade Repository (ADTR) licence.

Our step by step guide will help you prepare your application. Your application should include:

1. answers to questions in the checklist in this kit;
2. copies of documents and other evidence in support of your application;
3. a completed cross referenced checklist indicating where you have answered the questions and included supporting evidence.

You will need to pay a fee when you lodge your formal application.

Who should use this kit?

Use this kit, together with Appendix 2 of RG 249, after you have decided that you want to apply for an ADTR licence.

Cost of an ADTR licence

You will need to pay a fee when you lodge a formal application for an ADTR licence. For the current fee, refer to the Corporations (Fees) Regulations 2001, Schedule 1, Item 27.

The application process

There are three phases in the application process

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| **Phase 1** | **PREPARATION**  **Draft application 🡪 Formal application** | This begins with the submission of a draft application, and the applicant works with ASIC until a formal application can be lodged. |
| **Phase 2** | **ASSESSMENT**  **ASIC assesses the application 🡪 If satisfied, ASIC grants the ADTR licence, with conditions** | ASIC assesses the merits of the application and may ask the applicant for additional information. If the outcome is positive then a licence is granted – with potential conditions to be met prior to the commencement of operations. |
| **Phase 3** | **READINESS**  **Meet the licence conditions 🡪 Green light for operations** | When ASIC is satisfied that certain conditions on the licence that are required to be met prior to the commencement of operations have been met then the licensee is given the green light by ASIC to start operations. |

How long will the application process take?

Our experience has shown that it is best for applicants to submit a draft application before their formal application so we can ensure it is complete and detailed enough for ASIC to make a decision.

The duration of the application process may vary substantially, depending on the nature of the trade repository. The following matters add to the normal processing time:

* time spent clarifying issues with you;
* waiting for information from you; and
* any time we may spend consulting with third parties.

| Step by step guide to applying for an ADTR licence | |
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| Understand the Legislative requirements | |
| 1 | **Make sure you fully understand the legislative requirements**  You will need to have a copy of:   * the Corporations Act * RG 249, available at www.asic.gov.au/rg   For clarification of legal issues, you should seek your own legal advice. |
| Discuss issues with ASIC early | |
| 2 | We prefer to have an initial meeting with you to discuss your proposed application. This avoids confusion and delays later. Please contact us on  [OTCD@asic.gov.au](mailto:OTCD@asic.gov.au) |
| Prepare draft application | |
| 3 | **Using this kit, prepare a draft application first**  The advantage of doing this is that it gives you and us an opportunity to assess the content of your draft application and advise you if any information and documents are missing. |
| Post draft application to ASIC | |
| 4 | **Post two hard copy versions and one electronic version to:**  Senior Executive Leader, Financial Market Infrastructure, ASIC  GPO Box 9827, SYDNEY NSW 2001 |
| Answer questions from ASIC regarding completeness of the application | |
| 5 | When we are assessing the contents and completeness of your application, we will contact you about any specific issues. We will copy both you and any of your advisers in on all our correspondence unless you specifically ask, in writing, not to be included.  The person handling your application will let you know when we are satisfied for you to lodge your formal application. |
| Send formal application and pay fee | |
| 6 | **Make sure your application is signed and certified as correct and complete**  (Item 1.5 below - Certification). |
| 7 | Send to the same address listed above (step 4)   * two copies of your formal application plus one electronic version, and one marked-up version which includes any changes to your draft application; and * The application fee – listed in the Corporations (Fees) Regulations, Schedule I. |
| Answer questions from ASIC regarding capabilities of the applicant to operate an ADTR | |
| 8 | Answer questions on technical issues from ASIC  When we are assessing the merit of your application, we will contact you about technical issues. We will copy both you and any of your advisers in on all our correspondence unless you specifically ask, in writing, not to be included.  The person handling your application will let you know when we are satisfied for you to lodge your formal application. |
| ASIC processes the application and the AML is granted with certain conditions | |
| 9 | ASIC assesses the merits of the application and grants the ADTR licence to the applicant with certain conditions that must be satisfied. |
| Go-Live | |
| 10 | ASIC makes a determination as to whether the conditions to be satisfied before go-live have been met and then sends notification to the licensee that it may commence operations. |

Preparing the Draft Application

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| Respond to all requests for information in the application form | |
|  | Give us enough information so that we have a complete picture of how your trade repository operates or will operate.  If you think any item is irrelevant to your trade repository, tell us why.  ***We recommend that a financial infrastructure specialist and legal adviser jointly draft your application so it clearly addresses statutory requirements and describes your trade repository in detail.*** |
| Fill in the grey cross references column in the checklist of questions | |
|  | In the grey column enter the relevant tab, page and paragraph number references of:   * where we can find the responses to each item in your application; and * the documentary evidence in support of your application.   Where you are required to include your policies and procedures with your application, you must ensure that they contain the following information:   * who is responsible for the approval and maintenance of the policies and procedures; * a description of how compliance with the policies and procedures will be ensured and monitored, and who will be responsible for implementing this; * a description of the measures to apply in the event of a breach of policies and procedures; and * an indication of the procedure for reporting to ASIC any material breaches of policies and procedures that may result in a breach of licence conditions.   ***Cross-referencing using our checklist shortens our processing time. Applications that are not cross-referenced will take substantially longer to process.*** |
| Review your responses | |
|  | Most of the items in the kit include a reference to a section or regulation in the Corporations Act or RG 249. Your responses should address the referenced material.  The documents you have included should support your application in meeting the criteria in the Corporations Act, the Regulations and RG 249. |
| Check that your application is complete | |
|  | ***The application should include:***   * responses to all requests for information in the application form * copies of documents requested and other evidence in support of your application, and * a completed cross referenced checklist indicating where in your application you have responded to the items and included supporting evidence   ***The processing of your application may be delayed if you leave some items unresponded to or if your descriptions are not in detail or clear.*** |
| Follow the application form | |
|  | The following application form (Parts 1 to 13 as follows) is the prescribed form for an application to ASIC for an ADTR licence as specified in s905B of the Corporations Act. An application form for an ADTR licence must be lodged with ASIC in the prescribed form and must include the information, statements, explanations or other matters required by the form and must be accompanied by any other material required by the prescribed form. |

| Australian Derivative Trade Repository Licence Application Form | | | | |
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| The following application form (Parts 1 to 13 as follows) is the prescribed form for an application to ASIC for an ADTR licence as specified in s905B of the Corporations Act. An application form for an ADTR licence must be lodged with ASIC in the prescribed form and must include the information, statements, explanations or other matters required by the form and must be accompanied by any other material required by the prescribed form. | | | | |
| Part 1 – Application Cover Sheet | | | | Checklist |
| Answer all information requests | | | Legal and Regulation references | Application cross references |
| Give us enough information so we have a complete picture of how your derivative trade repository operates. If you think any item doesn't apply to your facility, explain why it is irrelevant. | | | Refer to the reference below for guidance and more information | Tab, page, paragraph on the application where the question/ item is addressed. |
| Page 1 of application: | | | | |
|  | Entity Name | "We, [name of ADTR operator] are applying for an Australian derivative trade repository licence for our facility [name of facility] |  |  |
|  | Lead Person / Agent | Tell us who is acting on behalf of your body corporate for your application:  [Name], [Address], [Phone], [Email] |  |  |
|  | Legal Representative | If applicable, tell us who is your legal representative for this application: [Name], [Address], [Phone], [Email] |  |  |
| Page 2 of application: | | | | |
|  | Why licence should be granted | Write a one-page summary listing the reasons why you believe your derivative trade repository should be licensed |  |  |
| Page 3 of application: | | | | |
|  | The public interest | Write a one-page summary explaining how the granting of a licence for your derivative trade repository would be in the public's interest. |  |  |

| Part 2 – General | | | | Checklist | |
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| Answer all information requests | | | Legal and Regulation references | Application cross references | |
| Give us enough information so we have a complete picture of how your derivative trade repository operates. If you think any item doesn't apply to your facility, explain why it is irrelevant. | | | Refer to the reference below for guidance and more information | Tab, page, paragraph on the application where the question/ item is addressed. | |
| Identification, legal status and class of derivatives | | | |  | |
| When you apply for an Australian derivative trade repository (ADTR) licence, you need to identify who you are and tell us about the services you intend to provide and the activities you intend to carry out that require you to be licensed as an ADTR. Your application must include: | | | |  | |
|  | Applicant details | your full name and address, as the applicant | RG249.127(a) |  | |
|  | Certificate of incorporation | a certificate of incorporation | RG249.127(b) |  | |
|  | Certificate of registration | if you are a foreign body corporate, a certificate of registration under Div 2 of Pt 5B.2 | Div 2 of Pt 5B.2  RG249.127(c) |  | |
|  | Classes of derivative | information on the classes of derivative in respect of which you intend to provide services under the ADTR licence | RG249.127(d) |  | |
|  | Approving minutes and declaration *(on submission of formal application only)* | minutes from your governing body approving your application and its submission to ASIC, along with the following statement:  "The answers and comments in this application and in the attached documents are correct and complete:" [Signature], [Name in all capitals], [Date]  The declaration may be made by a senior person or persons authorised by specific resolution of the governing body to make the declaration on the governing body’s behalf. | RG249.127(e) |  | |
|  | Compliance staff | the name and contact details of the persons responsible, or to be responsible, for compliance and any other staff involved, or to be involved, in compliance within the trade repository | RG249.127(f) |  | |
|  | Office Holders of applicant and holding company | the name and address of every director, secretary and members of the senior management of the applicant and of any holding company of the applicant | RG249.127(g) |  | |
|  | Program of operations | your program of operations, including the location or intended location of your main business activities | RG249.127(h) |  | |
|  | Related bodies corporate | the identification of any related bodies corporate and your position within any corporate group | RG249.127(i) |  | |
|  | Other services | details of any service, other than the trade repository function, that you intend to provide | RG249.127(j |  | |
|  | Licenses/ registrations | a list of all regulatory licences or registrations (or exemptions from licensing requirements) worldwide, and any current applications for the same, held or made by you and your related bodies corporate | RG249.127(k) |  | |
|  | Accounting year end | your accounting period year end | RG249.127(l) |  | |
|  | Constitution | a copy of your constitution | RG249.127(m) |  | |
|  | Proceedings | details of any pending judicial, administrative, tax, insolvency, arbitration or any other litigation proceedings, irrespective of their type, that you or any related body corporate may be party to, or any such proceedings that are no longer pending, if they still represent a material expense to you or any related body corporate | RG249.127(n) |  | |
| Policies and Procedures | | | | | |
| Where you are required to include your policies and procedures with your application, you must ensure that they contain the following information: | | | | | |
|  | Maintenance responsibility | who is responsible for the approval and maintenance of the policies and procedures | RG249.128(a) |  | |
|  | Ensuring compliance | a description of how compliance with the policies and procedures will be ensured and monitored, and who will be responsible for implementing this | RG249.128(b) |  | |
|  | Breach measures | a description of the measures to apply in the event of a breach of policies and procedures | RG249.128(c) |  | |
|  | Reporting to ASIC | an indication of the procedure for reporting to ASIC any material breaches of policies and procedures that may result in a breach of licence conditions | RG249.128(d) |  | |
| Part 3 – Ownership | | | | Checklist | |
| Answer all information requests | | | Legal and Regulation references | Application cross references | |
| Give us enough information to identify who you are and the activities you intend to carry out that require you to be licensed as a trade repository. If you think any item does not apply to your trade repository, explain why it is irrelevant. | | | Refer to the reference below for guidance and more information | Tab, page, paragraph on the application where the question/ item is addressed. | |
|  | Ownership structure | Your application must contain a list of each person or entity that directly or indirectly holds or controls 5% or more in aggregate of your capital or your voting rights or whose holding or holdings make it possible to exercise a significant influence over your management. | RG249.129 |  |

| Part 4 – Organisational structure, governance and compliance | | | | Checklist |
| --- | --- | --- | --- | --- |
| Answer all information requests | | | Legal and Regulation references | Application cross references |
| Give us enough information so we have a complete picture of how your trade repository operates. If you think any item doesn't apply to your trade repository, explain why it is irrelevant. | | | Refer to the reference below for guidance and more information | Tab, page, paragraph on the application where the question/ item is addressed. |
| Organisational chart | | | |  |
|  | Organisational chart | Your application must contain an organisational chart detailing your organisational structure, including any ancillary services offered. The chart must identify who is responsible for each significant role, including senior management and persons who direct the activities of any branches. The chart should also include the intended date of commencement for future employees or officers that have been appointed but have not yet commenced. | RG249.130 |  |
| Corporate governance | | | | |
| Your application must: | | | | |
|  | Internal corporate governance policies | include information about your internal corporate governance policies and the procedures and terms of reference that govern your senior management, including the board, its non-executive members and, where established, committees. | RG249.131(a) |  |
|  | Senior management and board members | include a description of the process for the selection, appointment, performance evaluation and removal of the directors, secretary and senior management of the applicant. | RG249.131(b) |  |
|  | Governance code of conduct | identify any recognised corporate governance code of conduct that you adhere to and explain any situations where you deviate from that code. | RG249.131(c) |  |
| Internal controls | | | | |
| Your application must contain: | | | |  |
|  | Internal controls | an overview of your internal controls, including information about your compliance function, review function, risk assessment and management, internal control mechanisms and arrangements for your internal audit function. | RG249.132(a) |  |
|  | Internal controls and systems | information on the following matters: | RG249.132(b) |  |
|  |  | 1. policies and procedures that support your internal controls; | RG249.132(b)(i) |  |
|  |  | 1. the monitoring and evaluation of the adequacy and effectiveness of your systems; | RG249.132(b)(ii) |  |
|  |  | 1. the control and safeguarding of your information processing systems; and | RG249.132(b)(iii) |  |
|  |  | 1. the internal bodies in charge of the evaluation of any findings. | RG249.132(b)(iv) |  |
|  | | | |  |
|  | Internal audit | the following information about your internal audit function: | RG249.132(c) |  |
|  |  | 1. an explanation of how your internal audit methodology is developed and applied, taking into account the nature and complexity of your activities and risks; and | RG249.132(c)(i) |  |
|  |  | 1. a forward work plan for at least the next year. | RG249.132(c)(ii) |  |
| Compliance | | | | |
| Your application must contain the following information about your arrangements for ensuring compliance with your obligations as an ADTR licensee: | | | |  |
|  | Persons responsible for compliance | a description of the roles of the persons responsible for compliance and of any other staff involved in compliance assessments, including how you ensure the independence of the compliance function from the rest of the business | RG249.133(a) |  |
|  | Compliance with relevant requirements | information about your internal policies and procedures for ensuring that the trade repository (including your managers and employees) complies with all relevant requirements, including a description of the role of the directors and secretary of the applicant, and of senior management. | RG249.133(b) |  |
|  | Internal report | Where available, the most recent internal report prepared by the persons responsible for compliance or any other staff involved in compliance assessments. | RG249.133(c) |  |
| Directors, secretary and senior management of the applicant | | | | |
| Your application must contain the following information for each current director, secretary and member of the senior management team of the applicant and holding company of the applicant, or future director, secretary and member of the senior management team of the applicant of the applicant and holding company of the applicant that has been appointed but has not yet commenced: | | | |  |
|  | Professional competence | a curriculum vitae setting out the experience and knowledge relevant to perform the person’s responsibilities. | RG249.134(a) |  |
|  | Fit and proper | a statutory declaration that gives a declaration in respect of all the matters in RG249.134(b). | RG249.134(b) |  |
|  | Conflicts of interest | a declaration of any potential conflicts of interest that person may have in performing their duties and how these conflicts will be managed. | RG249.134(c) |  |

| Part 5 – Human resources and remuneration | | | | Checklist |
| --- | --- | --- | --- | --- |
| Answer all information requests | | | Legal and Regulation references | Application cross references |
| Give us enough information so we have a complete picture of how your trade repository operates. If you think any item doesn't apply to your trade repository, explain why it is irrelevant. | | | Refer to the reference below for guidance and more information | Tab, page, paragraph on the application where the question/ item is addressed. |
| Staffing policies and procedures | | |  |  |
| Your application must include the following policies and procedures: | | | |  |
|  | Remuneration policies | a copy of your remuneration policy for directors, secretary and members of the senior management of the applicant and the staff employed in risk and compliance functions; and | RG249.135(a) |  |
|  | Key person risk | a description of the measures you have put in place to mitigate key person risk. | RG249.135(b) |  |
| Fit and proper | | | |  |
| Your application must include the following information about your staff: | | | |  |
|  | Staff roles and qualifications | a list of the staff employed, or to be employed, including their role and qualifications for the role; | RG249.136(a) |  |
|  | IT staff | a specific description of the information technology staff employed, or to be employed, in providing the trade repository services, including the role and qualifications of each individual; | RG249.136(b) |  |
|  | Control staff | a description of the role and qualifications of each individual responsible for internal audit, internal controls, compliance, risk management and internal review; | RG249.136(c) |  |
|  | Outsourced staff | which of your staff are dedicated staff members and which staff members will be operating under an outsourcing arrangement; and | RG249.136(d) |  |
|  | Training and development | details of the training and development relevant to the trade repository business, including any examination or other type of formal assessment required for staff conducting trade repository activities. | RG249.136(e) |  |

| Part 6 – Financial resources | | | | Checklist |
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| Answer all information requests | | | Legal and Regulation references | Application cross references |
| Give us enough information so we have a complete picture of how your trade repository operates. If you think any item doesn't apply to your trade repository, explain why it is irrelevant. | | | Refer to the reference below for guidance and more information | Tab, page, paragraph on the application where the question/ item is addressed. |
| Financial resources and business plans | | |  |  |
| Your application must include the following financial and business information: | | | |  |
|  | Audited consolidated financial statements | a complete set of your audited consolidated financial statements (and those of any corporate group of which you are a member), prepared on an annual basis in conformity with international or Australian accounting standards, for the three financial years preceding the date of your application. | RG249.137(a) |  |
|  | External auditor registration | the name and national registration number of your external auditor. | RG249.137(b) |  |
|  | Financial business plans | a financial business plan contemplating different business scenarios for the trade repository services over a minimum three-year period. | RG249.137(c) |  |
|  | Funding | details of the funding referred to in Rule 2.4.7. | Rule 2.4.7  RG249.137(d) |  |
|  | Wind-down plan | a viable recovery or orderly wind-down plan, as referred to in Rule 2.4.11. | Rule 2.4.11  RG249.137(e) |  |
|  | Financial statements where historical information not available | Where the historical financial information referred to in Q6.1 above is not available, the following documentation: | RG249.137(f) |  |
|  |  | 1. a statement demonstrating proper resources and expected business status in six months after registration is granted; | RG249.137(f)(i) |  |
|  |  | 1. an interim financial report where the financial statements are not yet available for the requested period of time; and | RG249.137(f)(ii) |  |
|  |  | 1. a statement of financial position, such as a balance sheet, of income, changes in equity and cash flows, and notes comprising a summary of accounting policies and other explanatory notes. | RG249.137(f)(iii) |  |
|  | Subsidiaries | Please indicate your future plans for the establishment of subsidiaries and their location | RG249.137(g) |  |
|  | Business activities | Please provide a description of the business activities you plan to carry out, specifying the activities of subsidiaries. | RG249.137(h) |  |

| Part 7 – Conflicts of interest | | | | Checklist |
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| Answer all information requests | | | Legal and Regulation references | Application cross references |
| Give us enough information so we have a complete picture of how your trade repository operates. If you think any item doesn't apply to your trade repository, explain why it is irrelevant. | | | Refer to the reference below for guidance and more information | Tab, page, paragraph on the application where the question/ item is addressed. |
| Management of conflicts of interest | | |  |  |
| Your application must contain the following information: | | | |  |
|  | Management of conflicts | your policies and procedures for the identification, management and disclosure of conflicts of interest, consistent with Rule 2.4.2 | Rule 2.4.2  RG249.138(a) |  |
|  | Relevant persons aware | a description of your processes for ensuring that the relevant persons are aware of these policies and procedures; and | RG249.138(b) |  |
|  | Other measures and controls | any other measures and controls you have put in place to ensure that conflicts of interest are identified, managed and disclosed. | RG249.138(c) |  |
| Inventory and mitigation of conflicts of interest | | | | |
| Please ensure your application contains an inventory of existing material conflicts of interest in relation to any services provided by you. The inventory must: | | | |  |
|  | Up to date | be up to date at the time of your application; | RG249.139(a) |  |
|  | Description of management | include a description of how these existing material conflicts of interest are being managed; and | RG249.139(b) |  |
|  | Other undertakings | where you are part of a group, include any material conflicts of interest arising from other undertakings within the group. | RG249.139(c) |  |

| Part 8 – Resources and procedures | | | | Checklist |
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| Answer all information requests | | | Legal and Regulation references | Application cross references |
| Give us enough information so we have a complete picture of how your trade repository operates. If you think any item doesn't apply to your trade repository, explain why it is irrelevant. | | | Refer to the reference below for guidance and more information | Tab, page, paragraph on the application where the question/ item is addressed. |
| Information technology resources and outsourcing | | | |  |
| Your application must include a description of the following items. We may also require you to include a written confirmation from an independent third party (with the scope of the work approved by ASIC) relating to your operational readiness and the adequacy of your governance framework and all of your information technology systems. | | | |  |
|  | System and facilities | your systems and facilities for providing trade repository services to users, including a copy of any user manuals and internal procedures | RG249.140(a) |  |
|  | IT resources | your investment and renewal policies on information technology resources | RG249.140(b) |  |
|  | Outsourcing arrangements | your outsourcing arrangements, together with your methods for monitoring the service level of the outsourced functions and a copy of the contracts governing such arrangements | RG249.140(c) |  |
| Non-trade reporting (including ancillary) services | | | | |
|  | Non-trade repository reporting services | Where you, a related body corporate or an undertaking with which you have a material agreement offers, or plans to offer, any non-trade repository reporting services (including services ancillary to the trade repository services), your application must contain a description of the ancillary services to be provided. | RG249.142 |  |
| Operational separation of functions | | | |  |
|  | Operational separation of functions | You must provide a copy of the policies and procedures referred to in Rule 2.4.12 to ensure the operational separation of functions. | Rule 2.4.12  RG249.143 |  |
| Transparency about access terms | | | |  |
| Your application must include: | | | |  |
|  | Access policies and procedures – users | the access policies and procedures under which users access data in the trade repository, including any process by which users may need to amend or modify registered contracts | RG249.144(a) |  |
|  | User rights and obligations | a copy of the terms and conditions that determine the user’s rights and obligations | RG249.144(b) |  |
|  | Different categories of access | a description of the different categories of access (if there is more than one) that are available to users | RG249.144(c) |  |
|  | Access policies and procedures – other service providers | the access policies and procedures under which other service providers may have non-discriminatory access to information maintained by the trade repository where the relevant counterparties have provided their consent | RG249.144(d) |  |
| Transparency about compliance arrangements and data accuracy | | | |  |
| Your application must contain a description of the procedures you have put in place designed to provide reasonable assurance: | | | |  |
|  | Reporting counterparty compliance | of the compliance of the reporting counterparty or submitting entity with the reporting requirements | RG249.145(a) |  |
|  | Completeness and correctness | of the completeness and correctness of the information reported to it | RG249.145(b) |  |
|  | Data reconciliation | that data can be reconciled between trade repositories if counterparties report to different trade repositories | RG249.145(c) |  |
| Pricing policy transparency | | | |  |
| Your application must contain: | | | |  |
|  | Pricing policy | copy of your pricing policy, including the fees for individual services offered (including ancillary services) and policies relating to any available discounts or rebates or any other incentives or benefits | RG249.146(a) |  |
|  | Method of making available | a description of your methods for making this information available to users | RG249.146(b) |  |

| Part 9 – Risk management and business continuity | | | | Checklist |
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| Answer all information requests | | | Legal and Regulation references | Application cross references |
| Give us enough information so we have a complete picture of how your trade repository operates. If you think any item doesn't apply to your trade repository, explain why it is irrelevant. | | | Refer to the reference below for guidance and more information | Tab, page, paragraph on the application where the question/ item is addressed. |
| Your application must contain: | | | |  |
|  | Risk management framework | a detailed description of the risk management framework required under Rule 2.4.4 | RG249.147(a) |  |
|  | Risk types | a detailed description of the resources available and procedures designed to identify, manage and mitigate operational risk, business risk, legal risk and any other material risks to which you are exposed | RG249.147(b) |  |
|  | Risk management arrangements | a detailed description of your general business risk management arrangements, including a description of the net assets funded by equity to cover at least six months of current operating expenses, as referred to in Rule 2.4.7 | RG249.147(c) |  |
|  | Business continuity plan | a business continuity plan, as required under Rule 2.4.10, including a detailed description of your arrangements for ensuring that your trade repository activities can continue in the event of disruption, the involvement of trade repository users and other third parties in those arrangements, and an indication of your arrangements for testing and updating the plan | RG249.147(d) |  |
|  | Business continuity standards | any relevant international or national standards relating to business continuity arrangements and/or back-up facilities you intend to comply with | RG249.147(e) |  |
| Part 10 – Record keeping | | | | Checklist |
| Answer all information requests | | | Legal and Regulation references | Application cross references |
| Give us enough information so we have a complete picture of how your trade repository operates. If you think any item doesn't apply to your trade repository, explain why it is irrelevant. | | | Refer to the reference below for guidance and more information | Tab, page, paragraph on the application where the question/ item is addressed. |
| Your application must contain: | | |  |  |
|  | Receipt and administration of data | information about the receipt and administration of data, including any policies and procedures to ensure: | RG249.148(a) |  |
|  |  | 1. the timely and accurate registration of the information reported | RG249.148(a)(i) |  |
|  |  | 1. that the data is maintained both online and offline | RG249.148(a)(ii) |  |
|  |  | 1. that the data is copied for business continuity purposes | RG249.148(a)(iii) |  |
|  | Ensuring information is modified appropriately | a description of your record-keeping systems, policies and procedures for ensuring that information is modified appropriately and that positions are calculated correctly in accordance with relevant legislative or regulatory requirements | RG249.148(b) |  |

| Part 11 – Confidentiality and data security | | | | Checklist |
| --- | --- | --- | --- | --- |
| Answer all information requests | | | Legal and Regulation references | Application cross references |
| Give us enough information so we have a complete picture of how your trade repository operates. If you think any item doesn't apply to your trade repository, explain why it is irrelevant. | | | Refer to the reference below for guidance and more information | Tab, page, paragraph on the application where the question/ item is addressed. |
| Confidentiality | | | |  |
|  | Confidentiality | Your application must set out in detail your policies, procedures and controls for preventing any unauthorised access to, or the use or disclosure of, derivative trade data by the trade repository. This information must include a description of the controls on access to, use of and disclosure of data by staff, users and regulators, including how you intend to log, manage and audit these controls: see, for instance, Rules 2.3.3 and 2.4.8. | Rule 2.3.3  Rule 2.4.8  RG249.149 |  |
| Data security | | | |  |
|  | Data security/ anti-cyber crime arrangements | Your application must specify in detail all data security and anti-cyber crime arrangements, including which applicable international or national standards you are accredited under or intend to comply with. | RG249.150 |  |
|  | Security controls and standards | The application should, in particular, specify the relevant security controls and standards that you will implement with regard to all foreseeable threats and vulnerabilities, including intentional or unintentional access to, or use, corruption or disclosure of, derivative trade data or associated statistical data by the trade repository, users, regulators, or their officers, employees, agents, or contractors, or former such persons, as well as third parties such as hackers. | RG249.151 |  |
| Part 12 – Data protocols and data submission by users | | | | Checklist |
| Answer all information requests | | | Legal and Regulation references | Application cross references |
| Give us enough information so we have a complete picture of how your trade repository operates. If you think any item doesn't apply to your trade repository, explain why it is irrelevant. | | | Refer to the reference below for guidance and more information | Tab, page, paragraph on the application where the question/ item is addressed. |
|  | Data protocols | Your application must specify in detail all data protocols for submission of derivative trade data by users, including the applicable international or national standards you intend to require compliance with or accreditation under: see Rule 2.3.7. | Rule 2.3.7  RG249.152 |  |
| Part 13 – Data availability to market participants, regulators and the public | | | | Checklist |
| Answer all information requests | | | Legal and Regulation references | Application cross references |
| Give us enough information so we have a complete picture of how your trade repository operates. If you think any item doesn't apply to your trade repository, explain why it is irrelevant. | | | Refer to the reference below for guidance and more information | Tab, page, paragraph on the application where the question/ item is addressed. |
| Data availability mechanisms | | | |  |
|  | Data availability mechanisms | Your application must contain a description of the resources, methods and channels you intend to employ to provide users, regulators and the general public with access to derivative trade data and associated statistical data in accordance with the derivative trade repository rules, the Corporations Act and the controls and verifications you may establish for the access filtering process. | RG249.153 |  |

Glossary

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| Item | Description |  |
| Corporations Act | Corporations Act 2001, including any regulations made for the purposes of that Act |  |
| Div 2 of Pt 5B.2 |  |  |
| RG 249 | ASIC Regulatory Guide 249: Derivative trade repositories |  |
| Rule 2.4.2 (for example) | A rule of the *ASIC Derivative Trade Repository Rules 2013* (in this example numbered 2.4.2) |  |