

To: All Members

Ref: 18/143

Classification: General updates

Date: 24 May 2018

Subject: **RING RECORDING POLICY**

## Summary

1. This paper amends and restates the Exchange's policy in relation to the recording of Category 1 Members' telephone lines around the Ring and video recording of trading in the Ring, including making changes to reflect the General Data Protection Regulation (EU 2016/679). This Notice replaces Notice 14/055 : A053. The Exchange (the "LME") may amend these rules as it deems appropriate by way of further Notice.
2. Terms not otherwise defined in this Decision Notice shall have the meaning ascribed to them in the revised Rules and Regulations of the LME.

## Audio and video recordings

3. In normal circumstances the LME's Chief Executive Officer, Chief Operating Officer, or any staff member of the LME Compliance, LME Legal or Market Operations Departments, may access recordings and copies of recordings as part of the Exchange's monitoring and surveillance procedures. Access and copies may also be provided to professional advisers and regulatory authorities such as the Financial Conduct Authority (FCA) for such purposes as the Exchange may authorise.
4. Category 1 Members and third parties are able to request access to, and copies of, recordings in accordance with the procedures set out below. The LME Market Operations Department will maintain an electronic record of all requests and authorisations to access recordings.



5. Category 1 Members will be able to obtain access to, or copies of, audio recordings of their own telephone lines. In accordance with the procedures set out below, Category 1 Members will be entitled to listen to the contents of such recordings with the use of headsets provided by the LME Market Operations Department in a secure room within the Exchange premises.
6. Category 1 Members will be able to request access to, or copies of, video recordings of trading activity relevant to their specific enquiry. In accordance with the procedures set out below, Category 1 Members will be entitled to view the contents of such recordings with the use of television monitors provided by the LME Market Operations Department in a secure room within the Exchange premises.

#### *Category 1 Member access to recordings*

7. An Account Executive, a Probationary Authorised Dealer, an Authorised Dealer or senior member of a Category 1 Member's staff (e.g. Compliance Officer), may request access to an audio or video recording by emailing [marketoperations@lme.com](mailto:marketoperations@lme.com).
8. Access requests must state: the name of the Category 1 Member, the name of the individual authorised to listen to or view the recording, and the reason for wishing to listen to or view the recording. For audio recordings, requests must also specify the console number, the label and the date and time of recording required. For video recordings, requests must also specify the specific time and date of the relevant trading activity. Members should note that recordings are routinely archived and may be stored offsite.
9. When the relevant recording has been retrieved by a member of the LME Market Operations Department, or, where appropriate, the LME Compliance Department, the relevant Category 1 Member will be notified and a time will be arranged for the authorised person to access the recording. When the person authorised by the Category 1 Member accesses the relevant recording in the designated secure room, an



appointed member of the LME Market Operations Department or, where appropriate, the LME Compliance department, will be present.

*Category 1 Member requests for copies of recordings*

10. Requests submitted pursuant to paragraph 7 above must explicitly state if a copy of the relevant recording is to be provided. In such circumstances, a Category 1 Members' Compliance Officer must specify the purpose for which such a copy is requested. The LME Compliance Department will consider such requests in consultation with the relevant Category 1 Members' Compliance Officer.
11. If a copy of the recording is provided pursuant to such a request, a Category 1 Member must only use the provided copy for the purpose for which it was requested. Category 1 Members shall not be permitted to provide such copies to any third party unless this purpose explicitly formed part of the authorisation from the LME Compliance Department.
12. The LME Compliance Department may specify additional conditions relating to the provision of any such copy as it may deem appropriate and Category 1 Members shall comply with such additional conditions. Category 1 Members should be aware that all requests may be subject to legal constraints such as court orders or regulatory requirements.

*Third parties*

13. In the event that a third party, such as a client or another Member, requests access to, or a copy of, a recording, the request must be logged with the LME Market Operations Department by email at [marketoperations@lme.com](mailto:marketoperations@lme.com). Access or recordings may be provided subject to authorisation by the Exchange, or Managing Director of the relevant Category 1 Members, as the Exchange deems appropriate.
14. In the event that the MDRC considers that to seek the Category 1 Member's permission and involvement could prejudice the ability of the Exchange, or another regulatory authority, to carry out its regulatory functions, the Exchange may authorise third party access to, and the



provision of copies of, recordings to third parties, without advising the Category 1 Member in question. All appropriate documentation regarding such third party access will be maintained by the MDRC.

15. In the event of a third party requesting access to a recording, subject to paragraph 14 above, the Exchange shall invite a senior person from the relevant Category 1 Member to be present at the time of access, along with an appointed member of the LME Compliance Department or LME Market Operations Department.
16. In the event of a third party requesting a copy of a recording, subject to paragraph 14 above, the LME Compliance Department shall consult the Compliance Officer of the relevant Category 1 Member with regards to the request.

## **Retention**

17. Recordings of Category 1 Members' telephone lines around the Ring and video recordings of trading in the Ring will be the property of the Exchange.
18. Copies of such recordings will be retained by the Exchange for a minimum period of 7 years. After this time, the Exchange shall periodically review the need to keep such records in line with its records retention policy.

## **Data Protection**

19. The audio and video recordings held by the Exchange will contain Personal Data (as defined in the General Data Protection Regulation (EU 2016/679) ("**GDPR**"). The Exchange will process such Personal Data in accordance with this Notice and the LME Group Privacy Statement (as updated from time to time, the current version of which can be found at [www.lme.com/en-GB/About/Legal/Privacy-statement](http://www.lme.com/en-GB/About/Legal/Privacy-statement)). Each Category 1 Member must provide a copy of this Notice to any of its personnel who may be subject to the telephone or video recordings.
20. Any employee of a Category 1 Member may make an access request, in accordance with Article 15 of the GDPR, in writing to the LME Market



Operations Department. For such purposes, the data controller is The London Metal Exchange, a company incorporated in England and Wales with registration number 2128666 whose address is 10 Finsbury Square, London, EC2A 1AJ. Information about the other rights granted to employees of Category 1 Members under the GDPR can be found in the LME Group Privacy Statement.

21. The Exchange is committed to keeping the records it retains secure, in accordance with LME's internal security policies and guidelines in place from time to time, which comply with applicable ISO standards. The Exchange may process such records for the purposes set out in this Notice which may involve the provision of such records to third parties from time to time. Further information about the recipients of Personal Data are set out in the LME Group Privacy Statement.
22. Category 1 Members must notify clients of this policy so that they are aware that telephone conversations are recorded are subject to the access procedures set out above.

**Richard Armstrong**  
**Senior Legal Counsel**

cc: Board directors  
Ring Dealers' Committee