

---

## Alerts

### Time-Limited No-Action Relief: Swap Dealers and Major Swap Participants Regarding Certain Recordkeeping Obligations under Part 23 of the Commission's Regulations (Letter No. 12-29)

November 2012

#### *Derivatives Insight*

On October 26, 2012, the Division of Swap Dealer and Intermediary Oversight (the "Division") issued Letter 12-29 in response to a letter sent on behalf of the Securities Industry and Financial Markets Association's member firms and other swap dealers and major swap participants requesting relief from certain recordkeeping requirements of Subpart F to Part 23 of the Commodity Futures Trading Commission's ("CFTC") regulations.

Pursuant to the no-action letter, the Division will not recommend enforcement action against a person prior to March 31, 2012 for failure to be fully compliant with the requirements that swap dealers and major swap participant do the following:

- (1) make and keep records of all oral communications related to pre-execution swap trade information (and communications that lead to the conclusion of a related cash or forward transaction);
- (2) maintain all transaction records and daily trading records in a manner "identifiable and searchable" by transaction and counterparty;
- (3) use a Coordinated Universal Time timestamp when recording quotations prior to and at the time of execution of a swap; and
- (4) retain swap records at their principal places of business or such other principal offices as designated by the swap dealers or major swap participants.

Between now and March 31, 2013, Division staff will continue to work with industry participants to clarify what is required to comply with the CFTC regulations addressed in the no-action letter.

---

*This Client Alert is provided for your convenience and does not constitute legal advice. It is prepared for the general information of our clients and other interested persons. This Alert should not be acted upon in any specific situation without appropriate legal advice, and it may include links to websites other than the White & Case website. White & Case LLP has no responsibility for any websites other than its own, and does not endorse the information, content, presentation or accuracy, or make any warranty, express or implied, regarding any other website.*

*This Client Alert is protected by copyright. Material appearing herein may be reproduced or translated with appropriate credit.*