

used to incentivize strong consumer privacy outcomes are deployed in proportion to the scale and scope of the information an organization is handling. In general, small businesses that collect little personal information and do not maintain sensitive information about their customers should not be the primary targets of privacy-enforcement activity, so long as they make good-faith efforts to utilize privacy protections. Similarly, there should be a distinction between organizations that control personal data and third-party vendors that merely process that personal data on behalf of other organizations. Just as organizations should employ outcome-based approaches when developing privacy protections for their customers, the government should do the same with its approach to privacy enforcement and compliance.

## II. Request for Comment

A. Through this RFC, the Department is first seeking feedback on what it believes are the core privacy outcomes that consumers can expect from organizations.

1. Are there other outcomes that should be included, or outcomes that should be expanded upon as separate items?
2. Are the descriptions clear? Beyond clarity, are there any issues raised by how any of the outcomes are described?
3. Are there any risks that accompany the list of outcomes, or the general approach taken in the list of outcomes?

B. The Department is also seeking feedback on the proposed high-level goals for an end-state for U.S. consumer-privacy protections.

1. Are there other goals that should be included, or outcomes that should be expanded upon?
2. Are the descriptions clear? Beyond clarity, are there any issues raised by how the issues are described?
3. Are there any risks that accompany the list of goals, or the general approach taken by the Department?

C. The Department is seeking comments that describe what the next steps and measures the Administration should take to effectuate the previously discussed user-centric privacy outcomes, and to achieve an end-state in line with the high-level goals. In particular:

1. Are there any aspects of this approach that could be implemented or enhanced through Executive action, for example, through procurement? Are there any non-regulatory actions that could be undertaken? If so, what actions should the Executive branch take?
2. Should the Department convene people and organizations to further

explore additional commercial data privacy-related issues? If so, what is the recommended focus and desired outcomes?

3. What aspects of the Department's proposed approach to consumer privacy, if any, are best achieved via other means? Are there any recommended statutory changes?

D. The Department understands that some of the most important work in establishing privacy protections lies within the definitions of key terms, and seeks comments on the definitions. In particular:

1. Do any terms used in this document require more precise definitions?
2. Are there suggestions on how to better define these terms?
3. Are there other terms that would benefit from more precise definitions?
4. What should those definitions be?

E. One of the high-level end-state goals is for the FTC to continue as the Federal consumer privacy enforcement agency, outside of sectoral exceptions beyond the FTC's jurisdiction. In order to achieve the goals laid out in this RFC, would changes need to be made with regard to the FTC's resources, processes, and/or statutory authority?

F. If all or some of the outcomes or high-level goals described in this RFC were replicated by other countries, do you believe it would be easier for U.S. companies to provide goods and services in those countries?

G. Are there other ways to achieve U.S. leadership that are not included in this RFC, or any outcomes or high-level goals in this document that would be detrimental to achieving the goal of achieving U.S. leadership?

## Instructions for Commenters

This is a general solicitation of comments from the public. We invite comments on the full range of questions presented by this RFC and on issues that are not specifically raised. Commenters are encouraged to address any or all of the questions above. Comments that contain references to specific court cases, studies, and/or research should include copies of the referenced materials along with the submitted comments. Commenters should include the name of the person or organization filing the comment, as well as a page number on each page of the submissions. All comments received are a part of the public record and will generally be posted on the NTIA website, [www.ntia.doc.gov/privacyrfc2018](http://www.ntia.doc.gov/privacyrfc2018), without change. All personal identifying information (for example, name or address) voluntarily submitted by the commenter may be

publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

Dated: September 21, 2018.

**David J. Redl,**

*Assistant Secretary for Communications and Information, National Telecommunications and Information Administration.*

[FR Doc. 2018-20941 Filed 9-25-18; 8:45 am]

**BILLING CODE 3510-60-P**

## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

**DATES:** Comments must be submitted on or before October 26, 2018.

**ADDRESSES:** Comments regarding the burden estimate or any other aspect of the information collection, including suggestions for reducing the burden, may be submitted directly to the Office of Information and Regulatory Affairs (OIRA) in OMB within 30 days of this notice's publication by either of the following methods. Please identify the comments by "OMB Control No. 3038-0069."

- By email addressed to: [OIRASubmissions@omb.eop.gov](mailto:OIRASubmissions@omb.eop.gov) or
- By mail addressed to: the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention Desk Officer for the Commodity Futures Trading Commission, 725 17th Street NW, Washington DC 20503.

A copy of all comments submitted to OIRA should be sent to the Commodity Futures Trading Commission (the "Commission") by either of the following methods. The copies should refer to "OMB Control No. 3038-0069."

- By mail addressed to: Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581;
- By Hand Delivery/Courier to the same address; or

• Through the Commission's website at <http://comments.cftc.gov>. Please follow the instructions for submitting comments through the website.

A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting <http://RegInfo.gov>.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <http://www.cftc.gov>. You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.<sup>1</sup> The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <http://www.cftc.gov> that it may deem to

be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:**

Eileen Chotiner, Senior Compliance Analyst, Division of Clearing and Risk, Commodity Futures Trading Commission, (202) 418-5467; email: [echotiner@cftc.gov](mailto:echotiner@cftc.gov), and refer to OMB Control No. 3038-0069.

**SUPPLEMENTARY INFORMATION:**

*Title:* "Information Management Requirements for Derivatives Clearing Organizations," (OMB Control No. 3038-0069). This is a request for extension and revision of a currently approved information collection.

*Abstract:* Part 39 of the Commission's regulations establishes information management requirements for registered DCOs. The Commission will use the

information in this collection to assess compliance of DCOs with requirements for DCOs prescribed in the Commodity Exchange Act and Commission regulations. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. On July 24, 2018, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 83 FR 34986 ("60-Day Notice"). The Commission received no relevant comments on the 60-Day Notice.

*Burden Statement:* The Commission is revising its estimate of the burden for this collection for 16 registered DCOs. The respondent burden for this collection is estimated to be as follows:

1. Collection 3038-0069—Daily Reporting Requirements for Derivatives Clearing Organizations (Regulation 39.19)

| Estimated number of respondents per year | Reports annually by each | Total annual responses | Estimated average number of hours per response | Estimated total annual burden hours |
|--|--------------------------|------------------------|--|-------------------------------------|
| 16                                       | 250                      | 4000                   | 0.1  | <sup>2</sup> 400                    |

2. Collection 3038-0069—Annual Reporting Requirement for Derivatives Clearing Organizations (Regulation 39.19).

| Estimated number of respondents per year | Reports annually by each | Total annual responses | Estimated average number of hours per response | Estimated total annual burden hours |
|--|--------------------------|------------------------|--|-------------------------------------|
| 16                                       | 1                        | 16                     | 2606   | <sup>3</sup> 41,696                 |

3. Event-specific reporting Requirements for Derivatives Clearing Organizations (Regulation 39.19).

| Estimated number of respondents per year | Reports annually by each | Total annual responses | Estimated average number of hours per response | Estimated total annual burden hours |
|--|--------------------------|------------------------|--|-------------------------------------|
| 16                                       | 4                        | 64                     | 5.6  | <sup>4</sup> 358.4                  |

4. Collection 3038-0069—Recordkeeping Requirements for Derivatives Clearing Organizations.

| Estimated number of respondents per year | Reports annually by each | Total annual responses | Estimated average number of hours per response | Estimated total annual burden hours |
|--|--------------------------|------------------------|--|-------------------------------------|
| 16                                       | 1                        | 16                     | 100  | 1600                                |

<sup>1</sup> 17 CFR 145.9.

<sup>2</sup> 16 respondents × 250 annual responses per respondent = 4000 total responses, × 0.1 hours per response = 400 total annual burden hours.

<sup>3</sup> 16 respondents × 1 annual response per respondent = 16 total responses, × 2606 hours per response = 41,696 total annual burden hours.

<sup>4</sup> 16 respondents × 4 annual responses per respondent = 64 total responses, × 5.6 hours per response = 358.4 total annual burden hours.

*Respondents/Affected Entities:*  
Derivatives clearing organizations (DCOs).

*Estimated annual number of respondents:* 16.<sup>5</sup>

*Estimated average burden hours per response:* 10.<sup>6</sup>

*Annual responses by each respondent:* 256.

*Estimated total annual burden hours:* 44,054.

*Frequency of Collection:* Daily, annually and on occasion.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: September 21, 2018.

**Robert Sidman,**

*Deputy Secretary of the Commission.*

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**BILLING CODE 6351-01-P**

## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

**DATES:** Comments must be submitted on or before October 26, 2018.

**ADDRESSES:** Comments regarding the burden estimate or any other aspect of the information collection, including suggestions for reducing the burden, may be submitted directly to the Office of Information and Regulatory Affairs

(OIRA) in OMB within 30 days of this notice's publication by either of the following methods. Please identify the comments by "OMB Control No. 3038-0076."

- *By email addressed to:* [OIRAsubmissions@omb.eop.gov](mailto:OIRAsubmissions@omb.eop.gov) or
- *By mail addressed to:* the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention Desk Officer for the Commodity Futures Trading Commission, 725 17th Street NW, Washington DC 20503.

A copy of all comments submitted to OIRA should be sent to the Commodity Futures Trading Commission (the "Commission") by either of the following methods. The copies should refer to "OMB Control No. 3038-0076."

- *By mail addressed to:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581;
- *By Hand Delivery/Courier to the same address; or*
- *Through the Commission's website at <https://comments.cftc.gov>. Please follow the instructions for submitting comments through the website.*

A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting <https://RegInfo.gov>.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <https://www.cftc.gov>. You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission's regulations.<sup>1</sup> The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <https://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that

have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

#### FOR FURTHER INFORMATION CONTACT:

Eileen Chotiner, Senior Compliance Analyst, Division of Clearing and Risk, Commodity Futures Trading Commission, (202) 418-5467; email: [echotiner@cftc.gov](mailto:echotiner@cftc.gov).

#### SUPPLEMENTARY INFORMATION:

*Title:* Part 39, Risk Management Requirements for Derivatives Clearing Organizations, (OMB Control No. 3038-0076). This is a request for extension and revision of a currently approved information collection.

*Abstract:* Commission Regulations 39.12, 39.13, 39.14, 39.15, 39.16 and 39.18 establish risk management requirements for registered derivatives clearing organizations ("DCOs"). Regulation 39.3 requires any person seeking to register as a DCO to submit a completed Form DCO as provided in the appendix to part 39, accompanied by all applicable exhibits. The Commission will use the information in this collection to assess compliance of DCOs and DCO applicants with requirements for DCOs prescribed in the Commodity Exchange Act and Commission regulations.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. On July 13, 2018, the Commission published in the **Federal Register** notice of the proposed extension of this information collection and provided 60 days for public comment on the proposed extension, 83 FR 32638 ("60-Day Notice"). The Commission did not receive any relevant comments on the 60-Day Notice.

*Burden Statement:* For this collection, the Commission is revising its burden estimate for 16 registered DCOs and 3 potential DCO applicants, as follows:

1. Collection 3038-0076—Derivatives Clearing Organization Applicants Reporting Requirement (Regulation 39.3 and Form DCO).

<sup>5</sup> Includes 16 currently registered DCOs (an increase of 2 since the last extension).

<sup>6</sup> Since burden hours vary widely within the collection (*see above tables*), this is the average of burden hours per response for the collection as a whole (aggregate of 2661.7 hours per response/aggregate of 260 responses = 10.24 hours, rounded to 10).

<sup>1</sup> 17 CFR 145.9.