



European Money Markets Institute

Record-keeping Policy and Procedure for EMMI Benchmarks

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1. Introduction

The European Money Markets Institute (hereinafter “EMMI”) General Assembly adopted this Record Keeping Policy and Procedure (hereinafter “Policy”) on 17 December 2014.

This Policy is owned by EMMI’s first line of defence and it is reviewed on a regular basis in cooperation with the Corporate Governance, Risk and Control Unit in order to ensure that record keeping arrangements are developed and implemented in accordance with the requirements of relevant EU and Belgian national legislation as well as regulatory guidance for the administration of financial benchmarks, including that issued by ESMA, EBA and IOSCO.

2. Purpose and Scope

In alignment with best business practices, this Policy is aimed at establishing guidelines that govern the retention and appropriate deletion of records related to the administration of EMMI Benchmarks. This Policy outlines those records and documents which EMMI, or a delegated party such as the Calculation Agent, must retain, and the process by which EMMI ensures that its record keeping policies are effectively implemented. Robust record keeping arrangements, of which this Policy is a guiding document, are critical to ensure EMMI maintains an accessible audit trail for its activities and operations, which is available to regulatory and supervisory agencies and other relevant stakeholders, as appropriate.

This Policy is applicable to the administration and operation of all EMMI benchmarks, collectively “EMMI Benchmarks”.

3. EMMI Benchmarks Record Keeping Policy

3.1 General principles

EMMI should observe the following principles in relation to the maintenance of records:

- Complete and transparent records should be maintained of all aspects of the governance, methodology, control environment and regular determination of the EMMI Benchmarks.
- Each participant in the determination of the EMMI Benchmarks – EMMI as Administrator, the Calculation Agent, and Panel Banks – should retain records relevant to their responsibilities within the determination process.
- Records should be retained in a medium and format that makes them readily accessible for future reference. Records should be furnished to authorized independent reviewers and competent supervisory authorities in a timely manner upon request.
- Records must be retained in such a manner that complies with relevant confidentiality requirements.

- Appropriate security measures should be applied so that records cannot be changed or manipulated. EMMI should retain information and records within an environment that is secure, robust, and monitored regularly.
- Appropriate back-up facilities and arrangements should be made in order that records may be recovered should primary databases fail or are breached in any way.
- Physical and electronic records shall be kept for at least five years. Records of telephone conversation or electronic communications shall be provided to the persons involved in the conversation or communication upon request and shall be kept for a period of three years. Consideration should be given to whether any ongoing or anticipated litigation and/or agreements between EMMI and other parties mandate extensions to these maintenance periods.

Third party agents of EMMI, such as Calculation Agents, that hold records on behalf of EMMI, should be held subject to the foregoing principles also. EMMI should ensure that adherence to these principles is specified in the relevant third party operating agreements and similar documents.

3.2 Records Subject to Retention Requirements

3.2.1 EMMI as Benchmark Administrator

Records to be retained by EMMI as Administrator of the EMMI Benchmarks include:

- All input data including its use;
- The methodology used for the determination of the benchmark;
- Any exercise of judgment or discretion by EMMI in the benchmark determination, including the reasoning for the judgement or discretion;
- The disregard of any input data, in particular where it conformed to the requirements of the benchmark methodology, and the rationale for such disregard;
- Other changes in or deviations from standard procedures and methodologies, including those made during periods of market stress or disruption;
- The identities of the submitters and of the natural persons employed by EMMI for determining the benchmarks;
- All documents relating to any complaint and whistleblowing, including those submitted by the complainant as well as EMMI's records; and
- Telephone conversations or electronic communications between EMMI and the Calculation Agent and/or Panel Banks;
- Minutes of all governance meetings, including those of the relevant benchmark Steering Committee ;
- Any queries and responses relating to data inputs;

- Periodic and special review reports of EMMI Benchmark quality, including those reports provided to EMMI by the Calculation Agent;
- Periodic and special audit reports, including those required under the Code of Conduct of the relevant benchmark, of the conduct of EMMI Benchmark activities at the Calculation Agent and Panel Banks.

3.2.2 Calculation Agents for EMMI Benchmarks

The record-keeping obligations of the Calculation Agent for an EMMI benchmark should be detailed in the Calculation Services Agreement between the Calculation Agent and EMMI. Records to be retained include, but are not limited to:

- Communications between the Calculation Agent and EMMI, the Information Vendors and Panel Banks;
- A register of the designated individuals authorized by Panel Banks to submit quote data or to approve such submissions, which is provided to the Calculation Agent by EMMI;
- A register of the individuals authorized by the Calculation Agent to oversee and/or operate the daily submission and calculation processes at the Calculation Agent, including those who are permitted to enter submitting data on behalf of Panel Banks if staff at the Banks are unable to do so;
- Records of all data used in the daily determination of the EMMI Benchmarks, including data submitted by Panel Banks and records of non-submittal;
- Records of individuals who input or approve each daily submission, at the Panels Banks and/or at the Calculation Agent;
- Any intervention in the daily determination of the EMMI Benchmarks including (not limited to) contribution “on behalf”, the disregard of any input data and the rationale for such disregard and other changes in or deviations from standard procedures (e.g. activation of the BCP/DRP);
- All documents relating to any complaint and whistleblowing alerts;
- All documents, including policies, procedures, protocols and operational guides, providing guidelines and/or describing Calculation Agent activities.

In addition to those records and information logs which the Calculation Agent must retain, the Calculation Services Agreement, in particular the Service Level Agreement, should also outline requirements and procedures for daily and monthly reporting obligations which the Calculation Agent must observe. The reports provided to EMMI by the Calculation Agent must also be retained by the Calculation Agent.

The Service Level Agreement between EMMI and the Calculation Agent may detail further records the Calculation Agent is responsible for retaining. These records, unless specified otherwise, are subject to the same retention duration limits described above.

Where EMMI and the Calculation Agent need to retain similar records, it is acceptable for the two parties to agree that a single database of such data be maintained, provided that such agreement clearly specifies which party has primary responsibility for the data.

All records retained by the Calculation Agent must be retained in a medium that is accessible for future use and deliverable upon request to EMMI within a reasonable timeline.

3.2.3 Contributors to an EMMI Benchmark

Record keeping obligations of the individual Panel Banks are detailed in the relevant benchmark “Code of Obligations of Panel Banks”.

4. Record Keeping Procedures

EMMI shall adhere to the following procedural standards to ensure that the Record Keeping Policy is effectively implemented:

- EMMI will keep a Central Retention Register. The Central Retention Register is a log identifying for each category of records to be retained according to section 3.2.1 of this Policy, the record/document storage location and the EMMI staff member responsible for the management and retention of that record.
- EMMI Office and IT Coordinator is responsible for the maintenance of the Central Retention Register.
- EMMI, through responsibility of managing the record keeping framework and ensuring EMMI’s compliance with relevant record keeping requirements, will manage the storage of records in clearly organized and specified electronic or physical storage. The organization of electronic and/or physical storage is proposed by EMMI Office and IT Coordinator, approved by EMMI Management¹ and managed on daily basis by each EMMI staff member responsible for the management and retention of the records.
- EMMI Management will also be responsible for periodically reviewing and amending the record retention requirements applicable to certain documents precipitated by litigation proceedings and/or agreements with third parties.
- Access to the relevant electronic or physical storage must be limited as appropriate and determined at the discretion of the EMMI Management according to the Identity and Access Management Policy.
- EMMI Corporate Governance, Risk and Control Unit should ensure that internal reviews of the maintenance of the Central Retention Register and of the records stored according to this Policy for accuracy and compliance with relevant record keeping requirements are periodically

¹ EMMI Management includes the Secretary General and the Unit Managers

conducted. These reviews may be included in the risk testing strategy and/or in the internal audit plan.

- EMMI Corporate Governance, Risk and Control Unit should also monitor relevant changes in regulations or national legislation related to record keeping that may impact EMMI's ability to comply with the record keeping requirements outlined in this Policy.
- EMMI should review the record keeping procedures of third parties in respect of records held on EMMI's behalf, as part of the agreed review or audit processes for those parties.