

**From:** [jdb008@gmail.com](mailto:jdb008@gmail.com)  
**To:** [Comments\\_Public](#)  
**Subject:** Comment: Regulatory Notice 14-37 (CARDS)  
**Date:** Tuesday, November 04, 2014 2:49:04 PM

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I am a long time attorney and independent financial advisor. As you do, I want all investors to receive the appropriate advice for their unique family and financial circumstances. I greatly support FINRA's goal of investor protection and appreciate that FINRA's Comprehensive Automated Risk Data System (CARDS) could further that goal. I also appreciate the opportunity to submit these comments regarding the rule proposal, and FINRA's responsiveness to previous industry suggestions. While I understand the desired benefits of CARDS, I am concerned about additional risks to my clients' data privacy and security and the increasing regulatory costs that may ultimately be passed down to them. With recent concerns in the media regarding government obtaining data about its citizens, it would seem that FINRA should fully publicize this data collection idea to the public at large in advance of its implementation. In that way, account holders (your ultimate constituents) can comment ! on whether they believe that this data collection is the best solution to FINRA's concerns about suitability of their own investment choices.

In addition, I have concerns regarding the following issues:

- Data Privacy: I appreciate FINRA's decision to not collect personally identifiable information in CARDS. That said, the data will still contain information that can potentially be linked back to clients. CARDS data will likely be an extremely attractive target for hackers. It would be helpful if the proposal included more specific information on how FINRA will ensure this data is kept safe. I am also concerned that in the event that CARDS is breached, clients will blame their advisors for not keeping this data secure, and the responsibility will fall to us to inform clients of this breach. I encourage FINRA to consider the reputational risk that we face to provide them with this data.

- Data Quality: Because FINRA has decided to not collect direct business data in this phase of CARDS, I am concerned that FINRA will lack a complete picture of client holdings and activity. This is likely to introduce significant short-comings in CARDS' ability to be an effective tool for investor protection. It may produce false-positives that will need to be rectified by advisors like myself and broker-dealer staff responding to inquiries from FINRA. My broker-dealer's home office staff ROBUSTLY supervises my activity and reviews the suitability of recommendations I make to clients. They possess a complete picture of my clients that CARDS will not have. The further up the supervisory chain one gets from knowing and meeting with clients, the more difficult it is for an outsider to determine their entire family and financial situation, risk tolerances, time frames and overall financial objectives. In addition, their situation and objectives change over time.

I am concerned that CARDS will create inefficient work for my broker-dealer and me in responding to inquiries that stem from CARDS' lack of direct business data. Additional inquiries could also result from the CARDS' data lacking a full picture of the client's entire investment portfolio or the lack of information surrounding the client's life circumstances, which are not captured in suitability paperwork and data.

- Additional Transparency: I am concerned that the proposal does not provide sufficient information for the public to weigh the costs and benefits of CARDS. I request that FINRA provide reliable estimates regarding how much money CARDS will save investors, and

provide details regarding how it reached these estimates. These estimates will allow the public to weigh the likely costs with the expected benefits. In addition, I encourage FINRA to make a commitment to publish data on an on-going basis for the public to assess whether CARDS is, in fact, achieving its goals.

I urge FINRA to consider and respond to these concerns as it continues to develop the CARDS proposal and thank you for taking my comments into account. I would also be glad to discuss your objectives and possible solutions with a member of your staff.

Sincerely,

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