



UNITED STATES
SECURITIES AND EXCHANGE COMMISSION

STATION PLACE
100 F STREET, NE
WASHINGTON, DC 20549-2465

Office of FOIA Services

March 30, 2023

Mr. Howard [REDACTED]
[REDACTED]
[REDACTED]

Re: Freedom of Information Act (FOIA), 5 U.S.C. § 552
Request No. **23-00564-FOIA**

Dear Mr. [REDACTED]

This letter is in response to your request, dated and received in this office on December 16, 2022, for information from MMTLP Trading from Dec 1, 2022, through Dec 14, 2022, from FINRA, and information leading up to the U3 Halt. You also requested the short percentage, and all failure to delivery information from Oct 1, 2022 through Dec 14, 2022.

Reference is made to our December 23, 2022, letter where we addressed your request for expedited processing and a fee waiver.

Some of the information you have requested is exempt from disclosure under the FOIA pursuant to 5. U.S.C. § 552(b)(4). Exemption 4 of the FOIA protects commercial or financial information obtained from a person that is privileged or confidential, and (a) is customarily treated as private by the submitter, and (b) was provided to the Commission under an assurance of confidentiality.

The enclosed 23 pages are released with the exception of SEC staff names and email addresses. This information is withheld under 5 U.S.C. § 552(b)(6) and (7)(C), for the following reasons.

Under Exemption 6, the release of these records would constitute a clearly unwarranted invasion of personal privacy. Under Exemption 7(C), the release of the information could reasonably be expected to constitute an unwarranted invasion of personal privacy. Further, public identification of Commission staff could conceivably subject them to harassment in the conduct of their official duties and in their private lives.

Please be advised that I have considered the foreseeable harm standard in preparing this response.

For your information, we are including a link to our website, <https://www.sec.gov/data/foiadocsfailsdatahtm>, which contains the National Securities Clearing Corporation's (NSCC) aggregated fails-to-deliver data (by security), which may be helpful.

I am the deciding official with regard to this adverse determination. You have the right to appeal my decision to the SEC's General Counsel under 5 U.S.C. § 552(a)(6), 17 CFR § 200.80(f)(1). The appeal must be received within ninety (90) calendar days of the date of this adverse decision. Your appeal must be in writing, clearly marked "Freedom of Information Act Appeal," and should identify the requested records. The appeal may include facts and authorities you consider appropriate.

You may file your appeal by completing the online Appeal form located at https://www.sec.gov/forms/request_appeal, or mail your appeal to the Office of FOIA Services of the Securities and Exchange Commission located at Station Place, 100 F Street NE, Mail Stop 2465, Washington, D.C. 20549, or deliver it to Room 1120 at that address.

If you have any questions, please contact Gloria Walker of my staff at walkergl@sec.gov or (202) 551-2336. You may also contact me at foiapa@sec.gov or (202) 551-7900. You may also contact the SEC's FOIA Public Service Center at foiapa@sec.gov or (202) 551-7900. For more information about the FOIA Public Service Center and other options available to you please see the attached addendum.

Sincerely,



Adrienne M. Santos
FOIA Branch Chief

Enclosure

ADDENDUM

For further assistance you can contact a SEC FOIA Public Liaison by calling (202) 551-7900 or visiting <https://www.sec.gov/oso/help/foia-contact.html>.

SEC FOIA Public Liaisons are supervisory staff within the Office of FOIA Services. They can assist FOIA requesters with general questions or concerns about the SEC's FOIA process or about the processing of their specific request.

In addition, you may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. OGIS can be reached at 1-877-684-6448 or via e-mail at ogis@nara.gov. Information concerning services offered by OGIS can be found at their website at Archives.gov. Note that contacting the FOIA Public Liaison or OGIS does not stop the 90-day appeal clock and is not a substitute for filing an administrative appeal.