



Stockbroking

Adrian O' Brien
Consumer Protection Codes Department
Financial Regulator
P.O Box No. 9138
College Green
Dublin 2

75 St. Stephen's Green
Dublin 2, Ireland
Tel : +353 1 633 3800
Fax : +353 1 633 3856 / 633 385
email : info@dsl.ie
web : www.dolmenstockbroker.com

16th September 2009

Re: Proposed rules - Telephone Records and Electronic Communications

Dear Ms. O' Brien,

We write further to your letters dated the 29th of July 2009 in relation to the proposed introduction of obligations relating to the recording of telephone conversations and electronic communication involving client orders.

We attach one response relating to both Dolmen Securities Ltd. ("Dolmen") and Dolmen Stockbrokers ("Dolmen").

We have reviewed the contents of the proposed obligations and would like to make the following comments on the proposal - *"Effective from 1 May 2010, MiFID firms should record all telephone calls (including mobile phones) and electronic communications involving client orders. These records must be maintained for a period of at least 2 years and until the record is no longer of any relevance to any complaint, disciplinary action or investigation"*.

Telephone orders

Dolmen currently records all orders received from clients by telephone during working hours. The Financial Regulator's proposed obligation to maintain these records for two years is acceptable to Dolmen. However, we would be obliged if we could receive some clarification in relation to the effective date, 01/05/2010 - is it the regulator's proposal that all firms would be obliged to provide a record of all orders as far back as 01/05/2008 or is the effective date solely the date whereby the requirement will become effective.

Mobile orders

As previously advised in our correspondence of the 21st of November 2008, we currently have a procedure in place whereby an order is received from a client on a mobile phone. Our procedure states that upon receipt of a mobile telephone order, the broker rings in the order into a specific recorded extension number in Dolmen. The client is then called back on a recorded line to notify the client that the transaction has taken place. In relation to the proposal to record the mobile telephone orders, the firm is of the opinion that this is potentially a costly and complex procedure. We are also concerned that this requirement may introduce data protection issues. Currently when a client

contacts the firm by telephone a notification is provided that all telephone communications are recorded. This would not happen in the case of mobile phone contact. The requirement would also require the firm to retain a cache of staff personal mobile telephone communications. The firm, whilst it acknowledges the need to ensure all mobile orders are recorded, is satisfied that our current process operates effectively.

Should you require further information in relation to this matter please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Sarah Burke". The signature is written in a cursive style with a horizontal line underneath it.

Sarah Burke
Senior Compliance Manager