

Summary of Proposed Amendments to the DSB Access and Usage Agreement and Policies for 2022

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Introduction

The purpose of this document is to highlight and provide narrative on the proposed changes to the DSB Access and Usage Agreement and the associated Policies which are scheduled to come into effect on 1 January 2022.

For ease of reference, the proposed draft 2022 DSB Access and Usage Agreement and the associated Policies were published on 10 August and are available on the [DSB website](#).

The proposed changes are the result of stakeholder feedback that has been received over the last 12 months, service changes related to previous [annual industry consultation processes](#) (such as introduction of a new Search-only API user type), and based on the experience gained from the operational service, as well as editorial amendments.

Industry feedback on the proposed amendments to the legal documentation is welcome, with any feedback to be submitted by **5pm UTC on Friday, 3 September 2021**.

Responses should be emailed to industry_consultation@anna-dsb.com

Where applicable, responses should include specific alternative solution(s) that align with the DSB principles, such as cost recovery, reasonable and non-discriminatory (RAND) access and equal treatment, preserving the DSB common agreement and ensuring parity and efficiency in delivery of the DSB service.

Following consultation, the final 2022 DSB Access and Usage Agreement and the associated Policies will be published on Friday, 17 September 2021. A Variation Notice will be provided to each user who has a DSB Access and Usage Agreement in place.

Furthermore, the DSB is in the process of establishing the [Unique Product Identifier \(UPI\) Service](#) which includes preparation of the UPI user legal terms and conditions. Two rounds of [industry consultation on the UPI Fee Model](#) have taken place, with a final report to be published on 27 September 2021. A third consultation will be launched in November 2021 on the UPI legal terms and conditions. The timeline for the UPI Legal Terms and Conditions Consultation is available on the [DSB website](#).

Given the synergies between the OTC ISIN Service and the anticipated UPI Service, with the aim for governance alignment across the service provisions as far as practicable, the outcome of the [UPI Legal Terms and Conditions Consultation](#) may result in an interim review of the OTC ISIN DSB Access and Usage Agreement and associated Policies. Users will be kept informed of any proposed changes to the OTC ISIN user terms and conditions if these are to materialise.

1. DSB Access and Usage Agreement v7 2022

Date of Agreement – option to insert the date replaced with text “The date the last party signing the Agreement signed it (as specified next to its signature) to clarify that the Agreement is both entered into and commences on this date. Corresponding amendments made to the signature page and definition of “Commencement Date”.

Parties (2) – selection of user types to be updated to cater for Search-only API user type.

3.1(b) – new sub-paragraph introduced to clarify that the DSB will not be required to use individual users’ portals or sign any separate terms. As an industry utility, operating under a cost recovery framework, the DSB has an obligation to ensure parity and efficiency in the delivery of the DSB Service. This includes having a common agreement and following standardised processes and procedures for all users and not using client portals, supplier management systems or entering into any individual agreements with users.

13.4 (f) – amended for inclusion of the United Kingdom

13.5 (deleted) – the reference to the Standard Contractual Clauses is no longer required for personal data transfers from the EU to the UK since the EU has adopted a UK adequacy decision.

Signature page – changed text from “the date stated at the beginning of it” to “Date of Agreement” (see explanation above).

Appendix A – definition of “Commencement Date” changed from “latest date on which this Agreement has been signed by both parties” to “Date of Agreement” (see explanation above).

Appendix A - removed definition of “Standard Contractual Clauses” (see explanation on deleted clause 13.5).

Appendix C (deleted) – Standard Contractual Clauses removed entirely (see explanation on deleted clause 13.5).

Versioning and effective dates updated (header and footer).

2. DSB Acceptable Use Policy v5 2022

2.3(e) – reference to new paragraph 2.3(i) to reflect the introduction of a new Search-only API user type, following industry feedback in the consultation conducted in 2020.

2.3(h) – minor editorial changes to include “(FiX or ReST)” and from “undertake not to” to “must not”, both for consistency.

2.3(i) - updated to reflect the introduction of a new Search-only API user type, following industry feedback in the consultation conducted in 2020.

2.3(j)-(l) – previously 2.3 (i)-(k)

2.3(l) – minor editorial change from “production” to “Production”

3.3 – language change from “severe” to “material” to clarify that this type of breach constitutes a material breach for purposes of the DSB’s termination rights under the Main Terms.

Minor editorial changes proposed including, versioning and effective dates (header and footer).

3. DSB Disaster Recovery and Business Continuity Policy v5 2022

No changes proposed for 2022.

Versioning and effective dates updated (header and footer).

4. DSB Charges Policy v6 2022

2.1 – editorial change from “to” to “will”

2.1(b) – update to the Standard user fee formula to incorporate the new Search-only API user type following industry feedback in the consultation conducted in 2020.

A worked example based on the 2021 Annual Fee calculation with inclusion of estimate of 3 Search-only API users would be as follows –

Fee Model Variables from the 2021 Fee calculations:

Total DSB Cost = €10,492,000, 38 Infrequent users (Infrequent user fee fixed at €3,300), 11 Standard users & 75 Power users, plus the estimate of 3 Search-only API users.

User fees are calculated using the formulae as follows:

$$\text{Standard User Fee} = \frac{\text{€10,492,000} - (38 * \text{€3,300})}{11 + (3 * 75) + (3/2)} = \text{€43,649}$$

(# of Standard + (3 * # of Power Users) + (# of Search-only API Users/2))

Power User Fee (3 * Standard User) = €130,947

Search Only API Fee (50% of Standard User) = €21,825

2.1(c) – new paragraph included to specify the Search-only API Fee will be 50% of the Standard User Fee Per Invoicing Period following industry feedback in the consultation conducted in 2020.

2.1(d) – previous 2.1 (c).

2.3 – link to the DSB website included

2.4 – Fee Model Variables updated to include Search-only API users: The Total DSB Cost, Number of Infrequent Users, Number of Search-only API Users, Number of Standard Users and Number of Power Users (“Fee Model Variables”).

2.5 – updated text to include Search-only API user type.

2.7 – updated text to include Search-only API user type.

2.8(a) – previously 2.8, with editorial change from ‘create ISIN requests’ to ‘ISIN creation requests’ for alignment of terminology with the Acceptable Use Policy and text update to clarify that the Fees for a Standard User are payable.

2.8(b) – new sub-paragraph to clarify that no pro-rating applies when joining the service as a Search-only API User and those applicable weekly caps are forward looking for the duration of the Agreement.

2.8(c) – new sub-paragraph to clarify that no pro-rating applies when joining the service as a Power User and those applicable weekly caps are forward looking for the duration of the Agreement.

2.10 – included reference to Standard Users to clarify that their allocation of ISIN creation requests will also be reset at the beginning of the next calendar year. Language amended from ‘Create ISIN

Requests' to 'ISIN creation requests' for alignment of terminology with the Acceptable Use Policy. Second sentence moved to new paragraph 2.11.

2.11 – new paragraph to make explicit that multiple agreements and/or a combination of agreements can be obtained by a single client to provide a range of functionality. For example, multiple Infrequent User Agreements can be obtained to increase the number of 'ISIN creation requests' in any given calendar year, an Infrequent User or Standard User (as set out in the User Policy) can also become a Search-only API User to complement manual 'ISIN creation requests' with programmatic search functionality. Each agreement is a separate contract.

4.1 – removed wording "User types are subject to revision on an annual basis" to clarify that upgrades and downgrades are initiated by Users rather than the DSB. New sub-paragraphs 4.1(a) to (c) included to make the upgrade possibilities for each User type explicit.

4.2 – editorial change to clarify that a User is only required to pay additional Fees if moving to a higher Fee bank.

4.3(a) – previously 4.3, with consequential editorial change to remove duplicate wording and editorial change from 'create ISIN requests' to 'ISIN creation requests' for alignment of terminology with the Acceptable Use Policy.

4.3(b) – new sub-paragraph to clarify that no pro-rating applies when upgrading as a Search-only API User and those applicable caps are forward looking for the duration of the Agreement.

4.3(c) – new sub-paragraph to clarify that no pro-rating applies when upgrading as a Power User and those applicable caps are forward looking for the duration of the Agreement.

Previous 4.4 – moved to new paragraph 5.3 to consolidate invoicing provisions. Minor editorial change from "set out in" to "of".

4.4 – previously 4.5. New sub-paragraphs 4.5(a) to (c) included to make the downgrade possibilities for each User type explicit.

7.1 – added text to clarify that BT Radianz connectivity may be subject to additional terms of use. This section remains under review by the DSB.

8.1(c) – minor editorial changes from "user" to "User".

5. DSB Connectivity Policy v5 2022

2.2 – minor editorial change to reflect the correct name of the "DSB Registration Form".

2.5 – Modified from Power User to any user category which supports API connectivity.

2.6(b) – minor editorial change to reflect the correct name of the "DSB Registration Form" and to include "and".

2.7 (a) - Added a new point (a) requiring ReST users to demonstrate successful programmatic access to and use of UAT prior to moving to production. The previous points 2.7(a) and 2.7(b) move to 2.7(b) and 2.7(c) respectively.

2.7(b) (previously 2.7(a) – removal of language that payment of fees is expected in advance, minor editorial change from "production" to "Production" and correction of the name "DSB Registration Form".

Minor editorial changes proposed including versioning and effective dates (header and footer).

6. DSB Governance Policy v6 2022

2.16 – editorial correction from “Technical” to “Technology”.

3.1 – editorial correction from “Governance Policy” to “DGP”.

Minor editorial changes proposed to punctuation, webpage links, versioning and effective dates (header and footer).

7. DSB Product Policy v4 2021

2.1 – addition of minimum allocation to include the Classification of Financial Instrument (CFI) code (ISO 10962) and Financial Instrument Short Name (FISN) (ISO 18774).

Minor editorial changes proposed to webpage links, versioning and effective dates (header and footer).

8. DSB Security Policy v6 2022

2.1 ISO27001/2 Accreditation - Revised text as the ISO27001 program was recently approved by TAC and now subject for board approval to proceed.

Minor editorial changes proposed including versioning and effective dates (header and footer).

9. DSB Service Level Policy v6 2022

2.1 – updated to clarify that availability refers to the production users with a link provided to details of availability for non-production users.

2.6 – updated to clarify that details for performance of release/maintenance tasks are related to the production environment.

Minor editorial changes proposed including versioning and effective dates (header and footer).

10. DSB User Policy v6 2022

1.2 – minor editorial corrections from “service” and “DSB service” to “DSB Service”.

1.3 - updated to reflect the inclusion of the Search-only API user type. Change of defined term “Power User Data” to “API Data” to reflect that following introduction of the Search-only API User, there will be two types of DSB Users who will be able to consume and act upon the relevant data set. Editorial change from “defined” to “referred to in this User Policy”.

2.1 (Registered User) – spelling correction from DBS to DSB.

2.1 (Infrequent User) – clarification that Infrequent users cannot be an intermediary or have their access via an intermediary i.e. all manual access methods need to be with DSB directly. Editorial change proposed for inclusion of all applicable DSB policies. Editorial change from ‘create ISIN requests’ to ‘ISIN creation requests’.

2.1 (Standard User) – clarification that Standard users cannot be an intermediary or have their access via an intermediary i.e. all manual access methods need to be with DSB directly. Editorial change proposed for inclusion of all applicable DSB policies.

2.1 (Search-Only API User) – new text to reflect the inclusion of for the new Search-only API user type. Clarification that Search-Only API Users can access the DSB Service either directly or through an intermediary.

2.1 (Power User) - editorial change proposed for inclusion of all applicable DSB policies. Clarification that Power Users can access the DSB Service either directly or through an intermediary.

2.2 - editorial change proposed for inclusion of all applicable DSB policies.

3.1 – updated to reflect additional types of execution platforms to ensure parity of treatment.

3.2 – editorial change from “agreement” to “Agreement”.

3.2(g) – addition of a new organisation category.

3.4 - updated to reflect additional types of execution platforms to ensure parity of treatment. Minor editorial changes to use singular and plural terms consistently.

4.1 - updated to reflect the fact that two types of DSB Users will now be able to access data via APIs as mentioned in paragraph 1.3.

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4.4 - updated to reflect the fact that two types of DSB Users will now be able to access data via APIs as mentioned in paragraph 1.3.

5.1 - updated to reflect the fact that two types of DSB Users will now be able to access data via APIs as mentioned in paragraph 1.3. Editorial change from “access” to “connect to” to clarify that Intermediaries enable Power Users to access the DSB without having a technical connection.

5.3(b) & (c) - updated to reflect the fact that two types of DSB Users will now be able to access data via APIs as mentioned in paragraph 1.3. Also, a spelling correction from DBS to DSB.

5.4(a), (b) & (c) - updated to reflect the fact that two types of DSB Users will now be able to access data via APIs as mentioned in paragraph 1.3 and minor edit to correct name of “DSB Registration Form”.

5.5 - updated to reflect the fact that two types of DSB Users will now be able to access data via APIs as mentioned in paragraph 1.3.

6 – New text added to cater for inclusion of the Search-only API User type.

7.1 – User permission tables replaced with a reference to the “Fees and Rules” section of the DSB website, so that consistent information appears in one place only. Editorial changes to text to clarify where the permissions are set out.

Versioning and effective dates updated (header and footer).

11. DSB Access & Usage Agreement Amendment Forms

Due to the DSB having a common agreement in place, it is essential for any amendments to the Agreement to be approached with parity and consistency. On this basis, the DSB has several standard amendment forms which are to be used to request amendments to the DSB Access and Usage Agreement.

Where an amendment is required, users should download, complete, and return the appropriate amendment form to the DSB Client Admin Team: Client-Admin@ANNA-DSB.com.

The following amendment forms are available on the DSB website:

- **User Type Amendment** – to be used if a user wishes to upgrade or downgrade their current user type to another user type

<https://www.anna-dsb.com/download/dsb-access-and-usage-agreement-user-type-amendment/>

- **Clause 18 Amendment** – to be used to update the user contact details for Notices related to general Variation Notices and technical breaches

<https://www.anna-dsb.com/download/dsb-access-and-usage-agreement-clause-18-amendment/>

- **Appendix B Amendment** – to be used to update a user’s list of Affiliates to be covered under the DSB Access and Usage Agreement

<https://www.anna-dsb.com/download/dsb-access-and-usage-agreement-appendix-b-amendment/>

- **Novation Deed** – to be used where an existing user wishes to transfer their DSB Access and Usage Agreement to another/new legal entity

<https://www.anna-dsb.com/download/dsb-access-and-usage-agreement-novation-deed/>