

Business Continuity and Disaster Recovery Plan (NFA Compliance Rule 2-38)

Model Program Advisors, LLC (proposed) · a multi-program commodity trading advisor · mpaclient.com

INTERNAL — Sample for counsel review · October 28, 2026 · Principal: Austin Putt · SAMPLE — to be completed with the Advisor's actual people, systems, and vendors before NFA filing; not for publication

1. Purpose

NFA Compliance Rule 2-38 requires each Member to establish and maintain a written business continuity and disaster recovery plan reasonably designed to enable the Member to continue operating, to re-establish operations, or to transfer its business to another Member with minimal disruption to customers, and to provide clients with a summary of the plan on request. This plan is the Advisor's.

2. Key facts

Sole principal and designated emergency contact: Austin Putt, [Managing Member] · [mobile] · [alternate email]. Alternate emergency contact: [NAME, outside compliance consultant or counsel] · [phone] · [email]. The Advisor's records are cloud-hosted with encrypted backups (ISSP §4) and are accessible from any authorized device. The replication service, doorway, and key vault are operated by the platform operator under license and have their own continuity plan, which the Advisor has reviewed and relies on (Section 5).

3. What continuity means for clients

Clients' funds and positions are at their own venues, never with the Advisor. In any disruption of the Advisor's or the platform's operations, every client retains full, direct control of their account at the venue and can close positions or delete the access key without the Advisor. The plan's first objective is therefore to tell clients promptly when replication has stopped, so they can manage open positions themselves; the second is to restore the Advisor's records and communications; the third is to resume or transfer the programs.

4. Scenarios and responses

Loss of the principal (incapacity, death, unavailability). Because the Advisor has one principal, this is the controlling scenario. On notice, the alternate emergency contact (a) instructs the platform operator to pause all new replication and to send the pre-approved client notice ("Replication is paused; your positions remain yours to manage at your venue; here is how to stop or close"), (b) notifies NFA, (c) notifies connected brands under the Brand Program Agreements, and (d) executes the succession arrangement in Section 6. [Counsel: a single-principal CTA should hold a written succession arrangement and a standing agreement with a successor Member, or add a second registered principal; recommend the latter before launch.]

Platform outage. The platform operator's plan governs restoration; the Advisor's role is client communication within [one] hour of notice, using the platform's status channel or, if that is down, direct email and the brand portals, and confirmation to clients when replication resumes. Clients are reminded that open positions are theirs to manage during the outage.

Loss of the Advisor's own systems or office. Operations move to any authorized device from backups within [24] hours; the Advisor has no physical dependency beyond the principal's devices.

Venue outage or failure. Replication to that venue pauses automatically; clients are notified; positions are subject to the venue's own rules.

Cyber incident. Handled under ISSP §8, with the client notice above.

5. Dependence on the platform operator

The infrastructure license requires the platform operator to maintain a tested continuity plan covering the replication service, doorway, and key vault, with recovery objectives of [] **for order placement and** [] for the doorway, to give the Advisor a copy and annual test results, and to support an orderly transfer of the Advisor's programs to another infrastructure provider on [] days' notice. The Advisor reviews the plan and test results annually.

6. Succession and transfer of business

[Counsel: insert the arrangement — a second registered principal with full access and authority; or a written agreement with [SUCCESSOR CTA], an NFA Member, to assume client agreements on the Advisor's incapacity with client consent as required; or an orderly wind-down procedure under the Termination Notice with final fee computation by the alternate contact and counsel.] Client consent to any transfer is obtained as Client Agreement §9 and NFA rules require.

7. Communications

Pre-approved client notices for pause, resume, and transfer are stored in the compliance file and with the platform operator so they can be sent by either. Contact lists for clients (through the platform and the brand portals), connected brands, the platform operator, the venue, NFA, counsel, and the accountant are kept in the plan file and reviewed [quarterly].

8. Testing and review

The plan is reviewed annually and after any invocation; the pause-and-notify procedure is tested with the platform operator [semi-annually]; the results are recorded. A summary of this plan is available to clients on request and is referenced in the Disclosure Document.

Adopted by: Austin Putt, [Managing Member] · [DATE] · Next review: [DATE + 12 months].

Sample procedures prepared for counsel and the Advisor's principal. Not legal advice. Counsel must conform to current NFA rules and interpretive notices and approve before adoption.