

- (2) in a confirmation statement for an over-the-counter transaction that states: "This transaction has been executed in conformity with the FINRA Uniform Practice Code"; and
- (3) on a member's website, provided that the member provides a hyperlink to FINRA's internet home page, [www.finra.org](http://www.finra.org), in close proximity to the member's indication of FINRA membership. A member is not required to provide more than one such hyperlink on its website. If the member's website contains more than one indication of FINRA membership, the member may elect to provide any one hyperlink in close proximity to any reference reasonably designed to draw the public's attention to FINRA membership. This provision also shall apply to an internet website relating to the member's investment banking or securities business maintained by or on behalf of any person associated with a member.

J. Reference and Hyperlink to BrokerCheck on a Member's Website.  
(Added 5/2016)

(1) General

Pursuant to FINRA Rule 2210(d)(8)(A), each of a member's websites are required to include a "readily apparent" reference and hyperlink to BrokerCheck on:

- (a) The initial web page that the member intends to be viewed by retail investors.
- (b) Any other web page that includes a professional profile of one or more registered persons who do business with retail investors.

(2) "Readily Apparent" Defined.

- (a) For a reference and hyperlink to BrokerCheck to be readily apparent, member firms should adopt the perspective of a reasonable retail investor when making this determination. Factors to be considered include, but are not limited to:
  - Placement – i.e., whether the reference and hyperlink are visible as soon as the person lands on the website or only after significant scrolling;
  - Font size – i.e., whether the font size of the description and hyperlink are similar to the font size of other information on the page; and

- Font Color – i.e., whether the font color of the description and hyperlink contrasts or blends in with the website’s background.
  - (b) It is a per se FINRA requirement that the reference and hyperlink not be placed in the footer, as FINRA does not deem this to be readily apparent.
- (3) When the Reference and Hyperlink are Not Required.

A member will not be required to include a readily apparent reference and hyperlink to BrokerCheck in the following instances:

- (a) Websites that have RIA-only content and do not promote the member firm’s business or services, even if the site contains a profile of an individual who is a registered representative of the member firm.
    - (i) Exception: If the profile of an individual who is a PKS registered representative states that the individual holds any FINRA licenses, the website is considered Broker-Dealer related and would then require a readily apparent reference and hyperlink on the home page of the website and the web page containing the individual’s profile.
  - (b) Third party websites that contain the professional profiles of registered representatives (e.g., LinkedIn).
  - (c) Communications appearing on a third party website or social media site (e.g., Twitter).
  - (d) Each email or text message sent by a member firm or registered person to a retail investor.
  - (e) The website of a member firm that does not provide products or services to retail investors.
  - (f) A directory or list of registered persons limited to names and contact information.
- (4) Complying with the BrokerCheck Link Requirements
- (a) Various resources are offered by FINRA on its website to assist member firms in complying with the BrokerCheck Link requirements. These resources include:
    - (i) Instructions for linking to BrokerCheck;

- (ii) Direct link tools;
    - (iii) Tools for creating a custom BrokerCheck widget;
    - (iv) Raw graphical files that will allow registered persons to create custom references to BrokerCheck.
  - (b) These resources can be found at: <http://www.finra.org/industry/rule-2210-brokercheck>.
- (5) PKS Website.
- (a) Home Page.

The PKS website shall contain a readily apparent reference and hyperlink to BrokerCheck on its home page.
  - (b) Pages Containing Profiles of Registered Representatives.

A BrokerCheck reference and hyperlink shall be made readily apparent on any web page within the PKS website that contains the profiles of registered persons who do business with retail investors.
- (6) Websites of Registered Representative Affiliated Entities or Persons.
- (a) Home Page.

Any website that promotes brokerage services and business with retail investors shall be required to include a readily apparent reference and hyperlink to BrokerCheck on the home page of that website.
  - (b) Pages Containing Profiles of Registered Representatives.

Any web pages that contain the profiles of registered persons who do business with retail investors and list FINRA licensure shall be required to include a readily apparent reference and hyperlink to BrokerCheck.

## **5.12 Public Appearances**

*(Amended 12/2013)*

### **A. Definitions**

#### **(1) Public Appearance**

Public Appearance is defined as participation in a seminar, forum (including an interactive electronic forum), radio or television interview, or other public