

# SEC's Take on Predictive Data Analytics: A Failed Prediction?

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Genna Garver, a partner in Troutman Pepper's Corporate Practice Group, was quoted in the September 25, 2023 *FinOps Report* article, "[SEC's Take on Predictive Data Analytics: A Failed Prediction?](#)"

"I'm worried that without narrowing the scope of the proposal and providing additional guidance on how to comply with the final rule, chief compliance officers will be left with too much to interpret," says Genna Garver, a partner with the law firm of Troutman Pepper in New York. "The SEC has left the industry to do most of the heavy lifting in the comment process to ensure the final version of the rule is workable." The amount of finetuning required to appease the industry may prompt the SEC to issue altered proposal open for additional comment prior to adoption.

Given the expansiveness of the SEC's proposal, all legal experts and others can think is that the regulatory agency didn't do its homework. "Based on the number of requests for comments about specific details in the proposal and the SEC's admission that it may be difficult or impossible to comply with the rule as unaltered, the SEC's proposed rule is more of a work-in-progress rather than a complete and workable rule," says Garver. "The SEC has left the industry to do most of the heavy lifting in the comment process to ensure the final version of the rule is workable." The amount of finetuning required to appease the industry may prompt the SEC to issue a changed proposal open for additional comment prior to adoption.

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