



Appendix A of the Ontario Securities Commission Practice Guideline Protocol for E-Filing and E-Hearings

1. E-Filing and E-Hearings

It is expected that hearings on the merits of matters commenced by a Notice of Hearing issued in connection with a Statement of Allegations (Enforcement Proceedings) will proceed as e-hearings.

In an e-hearing, documents that the parties intend to enter into evidence at the hearing are provided by the parties to the Registrar, Office of the Secretary, in an electronic format (searchable PDFs) along with an Index File, and are displayed electronically during the course of the hearing.

A document provided by a party to the Registrar will only become part of the hearing record if the document is subsequently tendered into evidence and marked as an exhibit by the Panel during the hearing.

This document sets out the electronic document requirements for e-filing and e-hearings. Any questions may be sent to the Registrar at registrar@osc.gov.on.ca.

2. Pre-filing Documents and Sending them to Registrar

In an e-hearing, each party is required to provide to the Registrar via electronic medium all the documents that the party intends to enter into evidence at the hearing along with an Index File ("pre-filing"). This may be done by the party's representative or by the party.

Pre-filing via electronic medium includes filing by e-mail, DVD, CD, USB flash drive, external hard drive, or other means of electronic transfer as considered appropriate by the Secretary of the Commission, and does not include facsimile.

If a party chooses to pre-file by e-mail, the e-mail shall be sent to the Registrar, Office of the Secretary, at registrar@osc.gov.on.ca. The email and its attachments shall not exceed the size of 50MB. If the total size of the documents the party intends to pre-file exceeds 50MB, then a DVD, CD, USB flash drive, external hard drive, or other means of electronic transfer as considered appropriate by the Secretary, should be used to pre-file.

If a party chooses to pre-file by physical media such as a DVD, CD, USB flash drive or external hard drive, such device shall be sent to the Registrar, Office of the Secretary by registered mail, courier or by hand delivery to the following address:

Attention: Registrar, Office of the Secretary
Ontario Securities Commission
20 Queen Street West, 22nd Floor
Toronto, ON, M5H 3S8

When delivering documents to the Registrar, always specify the following: matter name, name of party filing, counsel and law firm for the party (if applicable), and contact info and name for the person responsible for preparing the documents. When sending multiple physical media or emails, always label each chronologically.

The documents and Index File must be pre-filed with the Registrar no less than five business days before the commencement of the hearing.

3. Format for Electronic Documents

All documents (including text and image/picture documents) are to be filed as multi-page Portable Document Formatted (PDF) or PDF/A documents with embedded underlying Optical Character Recognition (OCR) text. For scanned documents, the PDF document must be processed using OCR software and the PDF must be searchable using full text searching. All submitted PDF files must be PDF version 1.7 or later, with a scanned image resolution of 300 dpi. Documents must be accessible, readable and printable.

All documents must be produced free of computer viruses, malware, Trojan horses or other items of a destructive nature. If any such item is detected, the document will be rejected and deemed not to have been filed. The Registrar will contact the party, person or representative that submitted the document and request that the document be disinfected or recreated and resubmitted.

4. Alternative Document Formats

Any issues regarding the preparation of documents in the format described in this Protocol should be raised at an attendance before a Panel. For instance, a document may exist in a format which cannot be converted to a PDF. The Panel will determine what document formats are acceptable for the hearing.

If alternative document formats are permitted, the Registrar must be informed at least 10 business days before the commencement of the hearing to ensure that arrangements can be made to open and view the document in the hearing room.

5. Naming Convention for Electronic Documents

Each document will have a unique alphanumeric DocumentID, such as ABC000001, ABC000002, etc. No two documents can have the same name. In instances where disclosure has been made electronically between the parties, the parties may use the DocumentIDs used in that disclosure. During the e-hearing, a document will be referred to by its DocumentID or by its exhibit number if the document is marked as an exhibit by the Panel.

6. The Index File

The Index File provides details about the documents pre-filed by a party. The Index File is a document which is a comma delimited text file in ".csv" format (which can be created in Excel or other programs) that lists and describes all the pre-filed documents that the party intends to enter into evidence at the hearing (see Schedule 1 for an example of the Index File).

The party pre-filing the Index File will need to enter the relevant information into all of the mandatory fields in the Index File. In addition to the mandatory fields, optional fields should be completed wherever possible as a matter of best practice.

The Index File contains the following fields:

Column A – DocumentID – Mandatory field: The unique identifier used to name the PDF file.

Column B – Unitized Parent DocID – Mandatory field: If a document and its attachments are being pre-filed, the DocumentID of the lead document (the parent document) must be entered for the parent document and each of the attachments (the child documents). See "Document Unitization" below.

Column C – Confidential Parent DocID - Mandatory field: If there is both a confidential version and redacted version of the same document, unitization is used to show that the documents are related. The DocumentID of the confidential document (the parent document) must be entered for the parent document and redacted document (the child document). See "Confidential and Redacted Documents" below.

Column D - Date - Optional field: The date of the document in mm/dd/yyyy format (if available). Note that partial dates are not accepted.

Column E - Description - Mandatory field: The Re: Line, title or short description of the document.

Column F - Type - Optional field: The type of document (e.g. contract, email, letter, etc.).

Column G - Author - Optional field: The name of the author(s). If the author is an individual, the name shall be inputted as "last name, first name". If there are multiple authors, each author shall be separated by a semi colon.

Column H - Recipient – Optional field: The name of the recipient(s). If the recipient is an individual, the name shall be inputted as "last name, first name". If there are multiple recipients, each recipient shall be separated by a semi colon.

Column I - Path – Mandatory field: The path is the DocumentID and followed by the file extension (e.g. ABC00001.pdf, ABC00020.xls).

Column J - Confidential - Mandatory field: Enter a “C” in this field if confidential treatment of the document is sought. See “Confidential and Redacted Documents” below.

Column K - Redacted - Mandatory field: Enter an “R” in this field if information has been redacted from the document by the filing party. See “Confidential and Redacted Documents” below.

Column L – Format – Mandatory field: Enter the extension associated with the file (e.g. pdf, xlsx, mp3, wav).

Column M – Native Filename – Optional field: Enter the original filename of the document.

Column N – Themes – Optional field: This field can be used to identify a theme related to a document. For example, the theme may indicate a witness, subject or issue related to the document.

7. Confidential and Redacted Documents

Some documents will have two versions – a confidential version and a redacted version. If a document contains information that the filing party believes to be confidential, the party must identify the document at the time the document is pre-filed. A “C” suffix must be added to the DocumentID (name of document) in column “A” of the Index File (for example, ABC000104C). A “C” must also be entered in column “J” of the Index File. The redacted version of the document will have the same DocumentID with an R suffix assigned to it (e.g. ABC000104R). The filing party must also specify that the document is redacted by entering an “R” in column “K” of the Index File.

Redactions must be in accordance with the Commission’s Practice Guideline (see sections 2(1) and 3).

If there is a confidential version and redacted version of the same document, both will be provided with the same exhibit number and are distinguished by the different suffixes in their respective DocumentIDs. Unitization is used to show that the confidential and redacted versions relate to the same document. The DocumentID of the confidential version is the Confidential Parent DocID and is entered in the Confidential Parent DocID Field (Column “C” of the Index File) for the confidential document and redacted document.

Confidentiality and redactions will be considered by the Panel when a party seeks to enter the document into evidence. The Panel may agree or disagree with the party’s position on confidentiality or redactions.

How to Redact a PDF

When redacting a PDF document, please ensure that the redaction includes **removing the embedded underlying OCR text**. Simply blacking out the text is not sufficient.

Various software products may be used to redact text from documents. Please consult your software’s manual for the specifics regarding how to redact and remove embedded underlying OCR text. As a general guideline:

- Use the software redaction tool to block out the confidential text,
- Finalize/burn-in all redactions,
- Ensure the underlying OCR text is removed,
- Re-OCR the document, and
- Review the document to ensure that the redacted text does not show up in the OCR.

8. Document Unitization

In some cases, individual documents are part of a family of related documents. For example, an email with its attached documents is referred to as a family. The email is referred to as the “parent” and the attachments are referred to as the “children”. Document unitization is necessary to preserve the relationship between the individual documents in the family and allows the family of documents to be marked together as one exhibit.

A party pre-filing a family of documents must identify each document in the family by entering the DocumentID for the parent document in the Unitized Parent DocID Field (Column “B” of the Index File) of the parent document and each of the children that are part of the family of documents (see Schedule 1 for an example).

In some instances, one or more documents included within a family of documents may be confidential and/or redacted. In this scenario, the Unitized Parent DocID (Column B of the Index File) and the Confidential Parent DocID (Column C of the Index File) must be filled out. (see Schedule 1 for an example).

Sample Index File

Please note document must be saved in “.csv” format

DocumentID	Unitized Parent DocID	Confidential Parent DocID	Date	Description	Type	Author	Recipient	Path	Confidential	Redacted	Format	Native Filename	Themes
ABC000001	ABC000001		13/06/2013	Affidavit of Joe Smith	Affidavit	Smith, Joe		ABC000001.pdf			pdf		Transaction 1
ABC000011	ABC000001		01/06/2013	Tab 1 - Resume of Joe Smith	Resume	Smith, Joe		ABC000011.pdf			pdf		Transaction 1
ABC000021	ABC000001		01/05/2013	Tab 2 - Share Price Analysis vs TSE Index	Report	Smith, Joe	Jones, Bob; Rose, Sherry	ABC000021.pdf			pdf		Transaction 1
ABC000051	ABC000001		23/04/2013	Tab 3 - Stock performance in North America 2010	Article			ABC000051.pdf			pdf		Transaction 1
ABC000066	ABC000001		01/01/2012	Tab 4 - Email titled "Please review analysis"	Email	Jones, Bob	Smith, Joe; Rose, Sherry	ABC000066.pdf			pdf		Transaction 1
ABC000081	ABC000001		12/01/2013	Tab 5 - Share Certificates for ABC issued to Fred Flint	Certificates			ABC000081.pdf			pdf		Transaction 1
ABC000101			01/06/2013	RE: Offer Price	Memo	Smith, Joe	Smith, Joe	ABC000101.pdf			pdf	Offerprice.pdf	Transaction 1
ABC000102C			01/06/2013	RE: Share Cap	Presentation	Jones, Bob		ABC000102C.pdf			pdf		Transaction 2
ABC000104C		ABC000104C	05/05/2013	List of Shares sold during period Jan to Feb 2013	Report			ABC000104C.pdf			pdf		Transaction 2
ABC000104R		ABC000104C	05/05/2013	List of Shares sold during period Feb to March 2013	Report			ABC000104R.pdf		R	pdf		Transaction 2
ABC000105	ABC000105			Email from Joe Smith dated February 2, 2013	Email			ABC000105.pdf			pdf		
ABC000106	ABC000105		26/04/2013	Email attachment offer price docs	Report			ABC000106.pdf			pdf		
ABC000110C	ABC000105	ABC000110C	01/01/2013	Email attachment Trend Analysis for period 2012-2013	Spreadsheet			ABC100110C.pdf			pdf		
ABC000110R	ABC000105	ABC000110C	01/01/2013	Email attachment Trend Analysis for period 2012-2013	Spreadsheet			ABC100110R.pdf		R	pdf		
ABCvideo1			05/04/2013	Video titled "Investment information for investors"	Video			ABCvideo1.mpg			mpg		
ABCAudio1			05/03/2013	Audio recording "Phone call to investor Bob Smith"	Audio			ABCAudio1.wav			wav		