

5.1.4 Ontario Securities Commission Rule 31-509, National Registration Database

ONTARIO SECURITIES COMMISSION RULE 31-509

NATIONAL REGISTRATION DATABASE

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**ONTARIO SECURITIES COMMISSION RULE 31-509
NATIONAL REGISTRATION DATABASE**

PART 1 DEFINITIONS AND INTERPRETATION

1.1 Definitions - In this Rule

“authorized firm representative” or “AFR” means, for a firm filer, an individual with his or her own NRD user ID and who is authorized by the firm filer to submit information in NRD format for that firm filer and individual filers with respect to whom the firm filer is the sponsoring firm;

“chief AFR” means, for a firm filer, an individual who is an AFR and has accepted an appointment as a chief AFR by the firm filer;

“firm filer” means a person or company that is required under Ontario commodity futures law to make an NRD submission in accordance with this Rule and that is registered as, or has applied for registration as, a dealer or adviser;

“individual filer” means an individual that is required under Ontario commodity futures law to make an NRD submission in accordance with this Rule;

“National Registration Database” or “NRD” means the online electronic database of registration information regarding NRD filers and includes the computer system providing for the transmission, receipt, review and dissemination of that registration information by electronic means;

“NRD account” means an account with a member of the Canadian Payments Association from which fees may be paid with respect to NRD by electronic pre-authorized debit;

“NRD administrator” means CDS INC. or a successor appointed by the securities regulatory authority to operate NRD;

“NRD filer” means an individual filer or a firm filer;

“NRD format” means the electronic format for submitting information through the NRD website;

“NRD number” means the unique number first generated by NRD to identify an NRD filer, a non-registered individual, or a business location;

“NRD submission” means information that is submitted under Ontario commodity futures law in NRD format, or the act of submitting information under Ontario commodity futures law in NRD format, as the context requires;

“NRD website” means the website operated by the NRD administrator for the NRD submissions;

“Rule 33-506” means “Rule 33-506 (*Commodity Futures Act*) Registration Information”;

1.2 Interpretation - Terms defined in Rule 33-506 and used in this Rule have the respective meanings ascribed to those terms in Rule 33-506.

PART 2 INFORMATION TO BE SUBMITTED IN NRD FORMAT

2.1 Registration Information - A person or company that is required to submit any of the following to the Commission or the Director must make the submission in NRD format:

1. Form 33-506F1;
2. Form 33-506F2;
3. Form 33-506F3;
4. Form 33-506F4 or a change to any information previously submitted in respect of Form 33-506F4.

PART 3 MAKING NRD SUBMISSIONS

3.1 NRD Submissions

- (1) An NRD filer that is required under Ontario commodity futures law to submit information in NRD format must make that NRD submission
 - (a) through the website,
 - (b) using the NRD number of the NRD filer, non-registered individual, or business location, and
 - (c) in accordance with this Rule.
- (2) A requirement in Ontario commodity futures law relating to the format in which a document or other information to be submitted must be printed, or specifying the number of copies of a document that must be submitted, does not apply to an NRD submission required to be made in accordance with this Rule.
- (3) An NRD filer making an NRD submission must make the NRD submission through an AFR.

3.2 Ongoing Firm Filer Requirements – A firm filer must

- (a) be enrolled with the NRD administrator to use NRD;
- (b) have one and no more than one chief AFR enrolled with the NRD administrator;
- (c) maintain one and no more than one NRD account;
- (d) notify the NRD administrator of the appointment of a chief AFR within 5 business days of the appointment;
- (e) notify the NRD administrator of any change in the name of the firm's chief AFR within 5 business days of the change; and
- (f) submit any change in the name of an AFR, other than the firm's chief AFR, in NRD format within 5 business days of the change.

PART 4 PAYMENT OF FEES THROUGH NRD

4.1 Payment of Submission Fees

- (1) If a fee is required with respect to an NRD submission, a firm filer must pay the required fee by electronic pre-authorized debit through NRD.
- (2) A payment under subsection (1) must be made from the firm filer's NRD account.

4.2 Payment of Annual Registration Fees

- (1) If a firm filer is required to pay an annual registration fee, the firm filer must pay the required fee by electronic pre-authorized debit through NRD.
- (2) A payment under subsection (1) must be made from the firm filer's NRD account.

4.3 Payment of NRD User Fees - Annual

- (1) If a firm filer is required to pay an annual NRD user fee, the firm filer must pay the required fee by electronic pre-authorized debit through NRD.
- (2) A payment under subsection (1) must be made from the firm filer's NRD account.

PART 5 TEMPORARY HARDSHIP EXEMPTION

5.1 Temporary Hardship Exemption

- (1) If unanticipated technical difficulties prevent an NRD filer from making a submission in NRD format within the time required under Ontario commodity futures law, the NRD filer is exempt from the requirement to make the submission within the required time period, if the NRD filer makes the submission in paper format or NRD format no later than 5 business days after the day on which the information was required to be submitted.
- (2) Form 33-506F5 is the paper format for submitting a notice of a change to Form 33-506F4 information.
- (3) If unanticipated technical difficulties prevent an individual filer from submitting an application in NRD format, the individual filer may submit the application in paper format.
- (4) If an NRD filer makes a paper format submission under this section, the NRD filer must include the following legend in capital letters at the top of the first page of the submission:

IN ACCORDANCE WITH SECTION 5.1 OF ONTARIO SECURITIES COMMISSION RULE 31-509 NATIONAL REGISTRATION DATABASE (NRD), THIS [SPECIFY DOCUMENT] IS BEING SUBMITTED IN PAPER FORMAT UNDER A TEMPORARY HARDSHIP EXEMPTION.
- (5) If an NRD filer makes a paper format submission under this section, the NRD filer must resubmit the information in NRD format as soon as practicable and in any event within 10 business days after the unanticipated technical difficulties have been resolved.

PART 6 EXEMPTION

- 6.1 Exemption** - The Director may grant an exemption from this Rule, in whole or in part, subject to such conditions or restrictions as may be imposed in the exemption.

PART 7 TRANSITION

7.1 Definitions - In this Part

“NRD access date” means, for an NRD firm filer, the date the NRD firm filer receives notice that it has access to NRD to make NRD submissions; and

“transition firm” means every dealer and adviser that

- (a) is a registered firm on February 3, 2003, or
- (b) is not a registered firm on February 3, 2003 and has applied for registration before March 31, 2003.

7.2 NRD Enrolment For Transition Firms - A transition firm must enroll to use NRD by the later of

- (a) February 7, 2003, and
- (b) the date that the firm has applied for registration.

7.3 NRD Submissions before NRD Access Date - Despite any requirement in this Rule to submit information in NRD format, a transition firm may submit information in paper format before the NRD access date.

7.4 Accuracy of Business Location Information - If the information recorded on NRD for a business location of a transition firm is missing or inaccurate on the NRD access date, the transition firm must submit a completed Form 33-506F3 in NRD format in respect of that business location within 30 business days of the NRD access date.

7.5 Individuals Included in the Data Transfer

- (1) Except as provided in subsection (2), in respect of individuals who were recorded on NRD as registered or non-registered individuals of a transition firm on the NRD access date, the transition firm must submit completed Forms 33-506F4 in NRD format for
 - (a) 5 percent of those individuals by the end of April 2004,

- (b) 10 percent of those individuals by the end of May 2004,
 - (c) 15 percent of those individuals by the end of June 2004,
 - (d) 20 percent of those individuals by the end of July 2004,
 - (e) 25 percent of those individuals by the end of August 2004,
 - (f) 30 percent of those individuals by the end of September 2004,
 - (g) 35 percent of those individuals by the end of October 2004,
 - (h) 40 percent of those individuals by the end of November 2004,
 - (i) 45 percent of those individuals by the end of December 2004,
 - (j) 50 percent of those individuals by the end of March 2005,
 - (k) 55 percent of those individuals by the end of April 2005,
 - (l) 60 percent of those individuals by the end of May 2005,
 - (m) 65 percent of those individuals by the end of June 2005,
 - (n) 70 percent of those individuals by the end of July 2005,
 - (o) 75 percent of those individuals by the end of August 2005,
 - (p) 80 percent of those individuals by the end of September 2005,
 - (q) 85 percent of those individuals by the end of October 2005,
 - (r) 90 percent of those individuals by the end of November 2005,
 - (s) 95 percent of those individuals by the end of December 2005, and
 - (t) all of those individuals by the end of March 2006.
- (2) Despite subsection (1), a transition firm is not required to submit a completed Form 33-506F4 in respect of an individual if another firm has submitted a completed Form 33-506F4 in respect of the individual.
- (3) A transition firm that is exempt under subsection (2) from the requirement to submit a completed Form 33-506F4 in respect of an individual must submit the individual's employment location information in NRD format by the end of March 2006.

7.6 Individuals not Included in the Data Transfer

- (1) Except as provided in subsection (2), a transition firm must submit a completed Form 33-506F4 in NRD format within 30 business days of the NRD access date for each individual who was not recorded on NRD on the NRD access date as a registered or non-registered individual of the firm and for whom the transition firm was the sponsoring firm on the NRD access date.
- (2) Despite subsection (1), a transition firm is not required to submit a completed Form 33-506F4 in respect of an individual if another firm has submitted a completed Form 33-506F4 in respect of the individual.
- (3) A transition firm that is exempt under subsection (2) from the requirement to submit a completed Form 33-506F4 in respect of an individual must submit the individual's employment location information in NRD format within 30 business days of the NRD access date.

7.7 Changes to Form 7 Information - Registered Individuals - A registered individual who has submitted a completed Form 33-506F5 under section 8.5 of Rule 33-506, must submit a completed Form 33-506F4 in NRD format by the later of 15 business days after

- (a) the NRD access date of the individual's sponsoring firm, and
- (b) the date that the individual submitted the Form 33-506F5.

7.8 Changes to Form 7 Information - Non-registered Individuals

- (1) Except as provided in subsection (2), a transition firm that has submitted a completed Form 33-506F5 for a non-registered individual under section 8.7 of Rule 33-506, must submit a completed Form 33-506F4 for the individual in NRD format by the later of 15 business days after
 - (a) the NRD access date, and
 - (b) the date that the firm submitted the Form 33-506F5.
- (2) Despite subsection (1), a transition firm is not required to submit a completed Form 33-506F4 in respect of an individual if another firm has submitted a completed Form 33-506F4 in respect of the individual.
- (3) A transition firm that is exempt under subsection (2) from the requirement to submit a completed Form 33-506F4 in respect of an individual must submit the individual's employment location information in NRD format by the later of 15 business days after
 - (a) the NRD access date, and
 - (b) the date that the firm submitted the Form 33-506F5.

7.9 Pending Application to Change Individual's Registration Category

- (1) If an individual submitted an application in paper format to change his or her category of registration and the category of registration applied for is not recorded with the individual's record on NRD on the NRD access date, the individual must
 - (a) submit a completed Form 33-506F4 in NRD format within 30 business days after the NRD access date of his or her sponsoring firm, and
 - (b) resubmit the application to change his or her category of registration by submitting a completed Form 33-506F2 in NRD format within 1 business day of submitting the Form 33-506F4 under paragraph (a).
- (2) Despite section 7.10, a Form 33-506F4 submitted under subsection (1) must contain the individual's categories of registration as they were recorded on NRD on the NRD access date.

7.10 Currency of Form 33-506F4 - For greater certainty, except as provided under subsection 7.9(2), a completed Form 33-506F4 that is submitted under this Part must be current on the date that it is submitted despite any prior submission in paper format.

7.11 Termination of Relationship - Despite a requirement under this Part to submit a completed Form 33-506F4, a transition firm is not required to submit a Form 33-506F4 in respect of an individual if the firm has submitted a completed Form 33-506F1 in respect of the individual in paper format before the firm's NRD access date or in NRD format after the firm's NRD access date.

PART 8 EFFECTIVE DATE

8.1 Effective Date

- (1) Part 1, section 7.1 and section 7.2 come into force on February 3, 2003.
- (2) Except for Part 1, section 7.1 and section 7.2, this Rule comes into force on March 31, 2003.

**COMPANION POLICY 31-509CP
TO ONTARIO SECURITIES COMMISSION RULE 31-509 (Commodity Futures Act)
NATIONAL REGISTRATION DATABASE**

PART 1 PURPOSE

- 1.1 **Purpose** - The purpose of Ontario Securities Commission Rule 31-509 (*Commodity Futures Act*) ("Rule 31-509") is to establish requirements for the electronic submission of registration information through NRD.

PART 2 PRODUCTION OF NRD FILINGS

- 2.1 The *Commodity Futures Act* contains a requirement to produce or make available an original or certified copy of information filed under the Act. The Commission considers that it may satisfy such a requirement in the case of information filed in NRD format by providing a printed copy or other output of the information in readable form that contains or is accompanied by a certification by the Director that the printed copy or output is a copy of the information filed in NRD format.

PART 3 DATE OF FILING

- 3.1 The Commission takes the view that information filed in NRD format is, for purposes of Ontario commodity futures law, filed on the day that the transmission of the information to NRD is completed.

PART 4 OFFICIAL COPY OF NRD FILINGS

- 4.1 For purposes of Ontario commodity futures law, the Commission takes the view that the official record of any information filed in NRD format by an NRD filer is the electronic information stored in NRD.

PART 5 AUTHORIZED FIRM REPRESENTATIVE AS AGENT

- 5.1 The Commission is of the view that when making an NRD submission an AFR is an agent of the firm or individual to whom the filing relates.

PART 6 ONGOING FIRM FILER REQUIREMENTS

- 6.1 The Commission expects that firm filers will follow the processes set out in the NRD Filer Manual to (a) enroll with the NRD administrator, (b) keep their enrolment information current, and (c) keep their NRD account information current.

PART 7 SECURITIES ACT SUBMISSIONS

- 7.1 If a person or company is required to make a submission under both Multilateral Instrument 31-102 and Rule 31-509 with respect to the same information, the Commission is of the view that a single filing on a form required under either rule satisfies both requirements.