

Interim Policy - Electronic Filing

Introduction

1. The purpose of this policy is to set out the practices and procedures to be used for electronic filing of documents in proceedings before the Board. This is an interim policy until the electronic filing and case management systems are fully developed at which time a permanent policy will be established. Where this policy conflicts with the Board's Regulatory Rules, Municipal Government Act Rules, or other similar rules, the latter Rules of Procedure shall prevail unless the Board directs otherwise.
2. For purposes of this policy, electronic filing means providing any document, image, audio file, video file, or any kind of text or visual evidence whatsoever in electronic form to the Board to be used in a proceeding.

General Application

3. The Board's Regulatory Rules (7(2)) and Municipal Government Act Rules (5(3)) permit electronic filing as follows:

"A document may be filed with the Clerk by any of the following methods:

[...]

- (c) transmitting a copy to the Clerk via fax or e-mail; or
- (d) such other manner as the Board may determine."

General Procedure

4. A participant may file documents with the Board by any of the following means:
 - a. E-mail or attachment thereto;
 - b. File Transfer Protocol (FTP) using the Board's own secure file transfer¹ site;
 - c. Using a compact disc (CD) or digital video disc (DVD) media;
 - d. Any other means agreed to by a Clerk of the Board.

¹ See Appendix B for information on how to use this site.

5. Unless otherwise directed by the Board, where a document or other evidence is electronically filed, one paper copy of the document must subsequently be filed with the Board within three (3) business days. If additional paper copies have been directed by the Board then those copies must also be provided within three (3) business days. The Board may direct the filing of paper copies in more or less than three (3) business days if it sees fit.
6. The Clerk will acknowledge by either regular or electronic mail receipt of an electronically filed document or other evidence. The sender shall obtain an acknowledgement from the Clerk of receipt of the documents.
7. The Board may direct that paper copies be provided to other parties in the proceeding. A paper copy or facsimile of the document sent electronically must be provided within a reasonable period thereafter if requested by the recipient.
8. The text and format of paper copies must match electronic versions of the documents in all material respects.
9. The Board may direct that evidence be shared between parties in electronic form, paper form, or both. The party filing the evidence is responsible for serving all documents, whether or not e-filed, and providing the Board with satisfactory confirmation of service.
10. Text files are to be provided in searchable PDF² format. Some guidelines for preparing PDF text documents are included at Appendix A.
11. Graphics files are to be provided to the Board in PDF, JPEG³, or TIFF⁴ formats.
12. Audio files are to be provided to the Board in WAV⁵, MP2⁶ or MP3 formats.
13. The party providing evidence is responsible for appropriate security of any confidential information provided in electronic format. A party emailing confidential information to the Board does so at their own risk.
14. The Board reserves the right to post any non-confidential evidence filed in any proceeding on its website or other locations for general public use. Confidential information will **NOT** be posted on the Board's website, providing that the party filing such evidence has claimed

² Portable Document Format

³ Joint Photographic Experts Group (format)

⁴ Tagged Image File Format

⁵ Waveform Audio Format

⁶ Moving Picture Experts Group Audio Format as defined in 130/EC 138/8-3

confidentiality with respect to it and such claim has not been dismissed by the Board according to its Rules of Procedure.

Confidentiality

15. The Board Rules relating to filing evidence in confidence apply to electronic documents.
16. Documents or evidence containing confidential information should not be transmitted electronically unless properly secured.

Redacted Files

17. Special care must be taken when preparing an electronic version of redacted evidence. Specifically, word processors will sometimes mask redacted text electronically but leave the underlying text intact. A sophisticated user can remove the mask revealing the confidential information. Those preparing and submitting redacted evidence should consult with their technical staff for assistance in preparing secure versions.

Technology Failure

18. Failure of technology such as fax machines, computer systems, or electronic communication systems, is not an acceptable excuse for late filing of evidence. Parties are responsible for taking all necessary steps to comply with Board Rules and Directives concerning deadlines for filing of evidence.

Access

19. Just like paper documents or artifacts, evidence in electronic format may be made available to the parties and public. The Board may provide information in electronic form to others by:
 - a. posting on the Board's or some other website,
 - b. transferring via an FTP⁷ site,
 - c. forwarding as an e-mail attachment,
 - d. copying to a CD, DVD or some other media, or
 - e. any other means approved by the Board or a hearing panel.
20. Unless otherwise directed by the Board, parties remain responsible for providing copies of filings to each other in the usual fashion.

⁷ File Transfer Protocol

Questions

Questions concerning application of this policy should be referred to a Clerk of the Board or the Executive Director.

APPENDIX "A"

Guidelines for Preparing Electronic Documents in PDF Format

1. Electronic documents in PDF (portable document format) are useful in that they retain their original structure and style when viewed or printed. Unless otherwise agreed, parties will file electronic documents in searchable PDF format.
2. There are various ways of creating a PDF file, the most common being the following:
 - a. Using PDF creation capabilities embedded in word processing software such as WordPerfect;
 - b. Using third party software designed specifically for creating PDF files, such as Adobe® Distiller, or using internet based PDF conversion sites. PDF files submitted to the Board must be searchable. Most word processing software can create searchable PDF documents. However, when scanning a paper document to produce an electronic version an optical character recognition (OCR) software must be used to convert the scanned image to text. Parties should consult with their information technology support staff or service provider for assistance.
 - c. When preparing PDF files the following settings are recommended:
 - i. The PDF should be Acrobat 4.0 (PDF 1.3) compatible. This ensures the documents can be viewed by users with older versions of the Adobe® Acrobat Reader or similar software.
 - ii. Optimize for fast webview which will minimize file size and facilitate page-at-a-time downloading.
 - iii. Embed thumbnails to allow for quick searching.
 - iv. Set resolution to 300 dpi. Higher settings will increase the size of the electronic file.
 - v. Set compression for images. A setting of 600 dpi at automatic and medium compression is recommended unless another setting is preferable to optimize file size while ensuring legibility of image.
 - vi. Compress text and line art.
 - vii. Set color management policies to convert all colors to sRGB, unless another setting is required to ensure accurate representation.
 - viii. Create bookmarks for documents that have a table of contents (TOC). The bookmarks should mirror the TOC items included in a file. In the case of a document broken into multiple files, each file would have bookmarks to

reflect its content as per the TOC. If you require additional information on creation of bookmarks please consult the Adobe® Acrobat Help function.

- d. Avoid using the following characters in file names:
` ~ ! @ # \$ % ^ & * () + = [] { } ; : ' , ? | " /
 - e. Do not embed fonts unless you feel it is necessary, as this will create a larger file.
 - f. Do not activate any security settings as this will interfere with systems for the visually impaired and effect accessibility. Files containing confidential information may be secured.
 - g. Do not link to external internet sites or to other documents in the filing, as the Board cannot ensure link integrity. Linking within a given document is acceptable and optional.
 - h. Do not produce a PDF if it cannot be legibly output to legal size (8½" x 14") or smaller (8½" x 11" is preferred) or if it is not sufficiently legible due to resizing or low resolution (below 300 dpi). Please file oversize documents (larger than legal size 8½ " x 14") in paper only.
3. While the preference is to produce a PDF from an electronic source, this is not always possible. When only a hard copy is available, scanning technology can be used to convert paper documents to PDF. As when reproducing paper copies, ensure that you are authorized to reproduce the document and there are no copyright infringements.
4. There are many software products and service providers who can help you convert a paper document into a digital format. The software products used are generally called scanning or imaging software. In short, the scanner takes an electronic "photocopy" of the document while the scanning software produces an electronic image. The second step, called optical character recognition (OCR), is required to make the document searchable. OCR software, such as ScanSoft® Omnipage or Adobe® Capture, is required to take the scanned image and interpret the dots that make up the letters in each word to recreate the text. It will not convert handwriting or graphics to recognizable and searchable text. The quality of converted text is a function of the quality of the original paper document, as well as the scanning and OCR software.

APPENDIX "B"

Using the Utility and Review Board File Transfer (FTP) Service

The Board has established a file transfer site to allow electronic files to be transferred easily. There are no limitations on size of the file and up to five files can be transferred at one time. If more than five files are to be transferred simply repeat the filing process as many times as needed.

To transfer a file to the Board go to www.nsuarb.ca in a web browser window. On the lower left side of the home page there is a link entitled "Send files to the Board". Select that link by clicking on it. You will be presented with a page welcoming you to the file transfer page. Instructions on using the transfer site can be found on that page.

If you are having difficulty sending a file please contact the Board at (902) 424-4448 for assistance.