



Saskatchewan Policy Statement 11-601

Disclosure of information about enforcement matters under *The Securities Act, 1988*

Part 1 Purpose

This policy sets out principles and processes for the Commission's disclosing information to the public about enforcement matters governed by *The Securities Act, 1988* (the Act).

Part 2 During Investigation

2.1 General principle of non-disclosure

The Saskatchewan Financial Services Commission (the Commission) will not disclose information about either the existence of an investigation into possible contraventions of Saskatchewan securities laws or details of an ongoing or concluded investigation for the following reasons:

- (a) disclosing information may compromise the investigation;
- (b) disclosing information may harm the reputations of those who are the subject of the investigation if no proceedings are taken;
- (c) section 152.1 of the Act requires the Commission to hold in confidence all information contained in its internal reports and records;
- (d) section 15 of the Act prohibits a person from disclosing, except to their counsel, any information given pursuant to an investigation order issued under section 12 of the Act;

2.2 Exception to general principle

In the following circumstances the Chairperson or the Director may disclose information about the existence and nature of an investigation:

- (a) where not disclosing the information is likely to be prejudicial to investors;
- (b) where the investigation relates to conduct or issues that are in the public domain and there are credible allegations that engage the enforcement jurisdiction of the Commission. Failure to confirm that the matter is under regulatory consideration may harm confidence in the capital markets; and
- (c) where there is disclosure about an investigation by another regulator or law enforcement agency, the Commission is likely to disclose that it is investigating the same or a similar matter.

If no proceedings are taken at the end of the investigation that has been publicly disclosed, the Director will give notice of that fact.

In some circumstances the Director will issue a general request for information about a matter that it is investigating, but will not specifically disclose that it is conducting an investigation.

2.3 Disclosure after temporary cease trade order

If the Commission or the Director issues a temporary order under subsection 134(3) of the Act during the course of the investigation, the order will be posted on the Commission's Web site. The Commission will also issue a news release to give the public notice of the matter and to request further information from the public. We will not give details of the investigation beyond those in the order.

Part 3 After investigation is complete

3.1 No administrative action taken

If Commission staff decide to take no action at the conclusion of an investigation, we will not release any information about the investigation, the facts gathered during the investigation and the conclusions that staff reached.

3.2 Administrative action taken

If, at the conclusion of an investigation, Commission staff decide to seek sanctions against the subjects of the investigation, we will publish the following documents:

- (a) notices of hearing;
- (b) decisions; and
- (c) settlement agreements.

We will post these documents on the Commission's Web site as soon as we have provided a copy to those who are the subject of them.

If the Commission or the Director issues an order under Part XVIII – Enforcement of the Act in connection with a decision or settlement agreement, then we will also issue a news release to give the public notice about the order and its terms.

3.3 Media relations

The Chairperson, the Director and the Deputy Director, Enforcement of the Commission's Securities Division are the spokespersons for the Commission on enforcement matters. They will make every effort to respond promptly to media requests for information.

Generally they will provide factual information or clarification to news media about enforcement matters that are publicly disclosed. They will explain procedures and stages of the case. They will explain the mandate and role of the Commission and what the Commission can and cannot do. They will not answer speculative or hypothetical questions or offer opinions.

3.3.1 After a notice of hearing has been issued

After the Notice of Hearing has been issued and the respondents have been sent or given a copy of it, the allegations in the Notice become a matter of public record. Commission spokespersons will talk about the process for the hearing such when it is scheduled to begin and how long it is likely to take. They will not discuss particulars of the allegations set out in the Notice of Hearing.

3.3.2 During the course of a hearing

During the course of a hearing spokespersons will give information about the status of the hearing. They will not give information about the substance of the case or provide an opinion or analysis of the matter.

3.3.3 After the decision

Commission spokespersons will not comment on a decision of a Commission hearing panel.

3.3.4 Comments on policy issues

Requests for comments on policy issues relating to enforcement matters will be referred to the Chair.

Adopted by the Commission on September 9, 2010

“Dave Wild”

Dave Wild, Chairperson