



June 7, 2022

**To: All Regulated Entities
All Other Interested Parties**

Re: Applications and Other Filings Containing Personal or Confidential Information

The Ontario Energy Board (OEB) is writing to remind all persons participating in OEB proceedings of the need to adhere to the OEB's rules to protect personal information (as defined in the *Freedom of Information and Protection of Privacy Act*) that is contained in applications and other filings. In addition, this letter identifies recent process improvements implemented by the OEB related to filings that contain personal or confidential information.

The OEB does not expect that personal information would typically need to be filed beyond any that may be required by the applicable filing requirements. As set out in the OEB's September 28, 2021 letter, personal information is not needed to support Lost Revenue Adjustment Mechanism Variance Account claims¹. If it is necessary to file a document that contains personal information, the party making the filing is responsible for ensuring that the document is filed in accordance with Rule 9A of the OEB's *Rules of Practice and Procedure* and Parts 10 and 12 of the OEB's *Practice Direction on Confidential Filings*. Rule 9A of the OEB's *Rules of Practice and Procedure* indicates that where a document is filed with the OEB that includes personal information of another person who is not a party to the proceeding, two versions of the filing must be submitted: both a non-confidential, redacted version and a confidential, unredacted version. The confidential, unredacted version is to be marked "CONFIDENTIAL – PERSONAL INFORMATION". For enforcement proceedings, Rule 10 of the OEB's *Rules of Practice and Procedure for Enforcement Proceedings* is of similar effect.

All participants in OEB proceedings should ensure that they, their staff and consultants involved in making filings to the OEB are familiar with these requirements and understand the importance of adhering to them. The OEB expects that regulated entities will also ensure that appropriate training and protocols for filing documents that contain personal information are in place.

The OEB has implemented certain process improvements to better protect non-public confidential or personal information. The OEB has updated its [Digitization Project - Frequently Asked Questions](#) and the [Regulatory Electronic Submission System Document Guide](#). Any document that contains the personal information of another person who is not a party to the proceeding, as well as any document that contains information in respect of which confidential treatment is being sought or has been granted, must now be filed through the OEB's Regulatory Electronic Submission System (RESS) as a standalone, password protected file. The file name must be prefixed with CONFIDENTIAL in all-caps, or in the case of documents containing personal information (or both personal information and other confidential information), CONFIDENTIAL – PERSONAL INFORMATION. To assist parties, the OEB is also in the process of including an additional message on the RESS log-in page, reminding parties to refer to the OEB's rules related to the filing of documents that contain personal or confidential information.

If you have any questions relating to this letter, please contact Registrar@oeb.ca.

Yours truly,

Nancy Marconi
Registrar

¹ [Ontario Energy Board - Letter re: Filing Requirements Regarding the Disposition of LRAMVA Balances for 2021 Rates and the Treatment of Consumer Information \(oeb.ca\)](#)