Securities and Exchange Commission
Division of Enforcement

Enforcement Manual

Office of Chief Counsel

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3.2.6.2.3 Format for Electronic Production of Documents to the SEC

Introduction:

The staff is encouraged to request document production in electronic format. Documents, information, and data produced electronically may be delivered as: (1) scanned collections; (2) e-mail; or (3) native files. The formats for these types of productions should be communicated to parties wishing to produce documents, information, and data electronically. Staff should not accept electronic production of documents and information in any format other than these three formats (including databases) without prior discussions with, and approval from, the Division's IT staff.

Basics:

- Staff should request that each party producing documents and other information electronically organize each submission by custodian. Producing parties should also provide a summary of the number of records, images, emails, and attachments in the production so that the staff can confirm that the complete production has been loaded onto the SEC's computer system.

- The SEC currently uses Concordance 8.2 and Opticon 3.2 to review electronic document collections. All electronic productions should be compatible with these software systems.

- Data can be delivered on CD, DVD, or hard drive. The smallest number of media is preferred. If the collection is large enough to fit onto a hard drive, the SEC can provide one to the producing party, if needed.

- For scanned collections, each scanned file must contain four components: (a) image file; (b) delimited text file; (c) optical character recognition (OCR) text; (d) opticon cross-reference file. For further explanation and other information about the required four components, please contact the Division's IT staff.

- For electronic e-mail productions, there are several formats available, but it is preferable to request the producer of the e-mails to load them into a central repository or database and convert them into a searchable format that is compatible with Concordance. This method allows for the staff to run its own searches using its own search terms on the population of e-mails requested.

  o The preferred format for receiving electronically-produced email is delimited text with images and native attachments.

o The staff may also accept the following formats for electronic production of emails:

  ▪ PST – a personal storage file native to Microsoft Office Outlook.

  ▪ NSF – a personal storage file native to Lotus Notes.

o The staff should include the data standards described above in their document requests to ensure that the format of produced e-mails is loadable into Concordance and that the most relevant data fields are captured. If the producer of the e-mails wishes to negotiate alternative delivery standards, the staff should contact Division IT staff so that they can participate in the related discussions.

- Native files should be produced with an ASCII delimited file containing the media associated with the files, text extracted from the native file, and a directory path to the native file.

- A subpoena or document request should include the standard specific guidelines and instructions containing technical criteria to follow for producing documents electronically to the SEC.

<u>Further Information</u>:

For information on any aspect of electronic production, please consult the Division's IT staff.