

# Whistleblower counsel submission form

## Form B: For a lawyer representing a whistleblower

COMPLETE THIS FORM IF YOU ARE A LAWYER REPRESENTING A WHISTLEBLOWER (OR A GROUP OF WHISTLEBLOWERS) WHO WISH TO BE ANONYMOUS.

**1** WHO IS INVOLVED?

**2** WHAT HAPPENED?

**3** SUPPORTING DOCUMENTS

**4** ABOUT THE WHISTLEBLOWER

**5** COUNSEL CERTIFICATION

**6** APPENDICES

Your client, the whistleblower, must have provided you with a completed and signed Whistleblower Submission Form (Form A) including a Whistleblower Certification, the original of which you must retain in your records.

### PART 1

## Who is involved in the misconduct?

### A. Who are the individuals involved in the misconduct?

#### INDIVIDUAL #1

NAME First Last Job position/Title

EMPLOYER

ADDRESS Street City Province/State

Country, Postal/zip code Phone number Email

#### INDIVIDUAL #2

NAME First Last Job position/Title

EMPLOYER

ADDRESS Street City Province/State

Country, Postal/zip code Phone number Email

For additional individuals, list their required information on Appendix 1 at the end of this form.

**1 WHO IS INVOLVED?**

**2 WHAT HAPPENED?**

**3 SUPPORTING DOCUMENTS**

**4 ABOUT THE WHISTLEBLOWER**

**5 COUNSEL CERTIFICATION**

**6 APPENDICES**

**B. Who are the entities (companies) involved in the misconduct?**

**ENTITY #1**

NAME  Name

ADDRESS  Street  City  Province/State

Country, Postal/zip code  Phone number  Website

**ENTITY #2**

NAME  Name

ADDRESS  Street  City  Province/State

Country, Postal/zip code  Phone number  Website

(For additional entities, list their required information on Appendix 2 at the end of this form)

**C. At the time of the misconduct, were, or are, any of the individuals in A above an employee, officer or director (a member of the board of directors) at any of the entities in B above?**

Yes                      No                      I don't know

If **YES**, identify which entities the individual was or is an employee, officer or director of, at the time of the misconduct:

Individual #1	Entity #1	Entity #2	Entity #
Individual #2	Entity #1	Entity #2	Entity #
Individual #	Entity #1	Entity #2	Entity #

If **NO**, please indicate where the individual in A above was employed at the time of the misconduct (if you know):

Individual #1	Entity name:
Individual #2	Entity name:
Individual #	Entity name:

1 WHO IS INVOLVED?

2 WHAT HAPPENED?

3 SUPPORTING DOCUMENTS

4 ABOUT THE WHISTLEBLOWER

5 COUNSEL CERTIFICATION

6 APPENDICES

**PART 2**

**What happened?**

**A. What type of securities-related misconduct is believed to have occurred, is presently occurring, or will occur?**

- |  |   |
|--|---|
| Illegal distribution and/or unregistered trading | Corporate disclosures and/or financial statements |
| Prohibited representations and undertakings      | Fraud and related offenses                        |
| Registrant misconduct                            | Obstruction of justice                            |
| Illegal insider trading and/or tipping           | Breaches of previous orders/settlements           |
| Market manipulation                              | Other; please describe below:                     |

Other:

**B. When did, or when will, each type of misconduct identified in A above occur?**

Check all that apply.

**The misconduct occurred in the past.**

Specify type of misconduct (from part 2A): \_\_\_\_\_

During what date ranges did it occur? From:            /            (year/month)            I don't know

To:            /            (year/month)

**The misconduct is currently ongoing.**

Specify type of misconduct (from part 2A): \_\_\_\_\_

On what date did it start? From:            /            (year/month)            I don't know

**The misconduct is about to occur sometime in the future.**

Specify type of misconduct (from part 2A): \_\_\_\_\_

**Unknown.**

Specify type of misconduct (from part 2A): \_\_\_\_\_

1 WHO IS INVOLVED?

2 WHAT HAPPENED?

3 SUPPORTING DOCUMENTS

4 ABOUT THE WHISTLEBLOWER

5 COUNSEL CERTIFICATION

6 APPENDICES

- C. Describe the **FACTS** that led the whistleblower to believe that the above misconduct has occurred, is presently occurring, or is about to occur.

Be as specific as possible.

Provide any additional information on the back of this form or on a separate sheet of paper and attach it to this form.

- D. How did the whistleblower learn about the above misconduct?

Provide any additional information on the back of this form or on a separate sheet of paper and attach it to this form.

- E. When did the whistleblower learn about the above misconduct?

Year \_\_\_\_\_ Month \_\_\_\_\_

1 WHO IS INVOLVED?

2 WHAT HAPPENED?

3 SUPPORTING DOCUMENTS

4 ABOUT THE WHISTLEBLOWER

5 COUNSEL CERTIFICATION

6 APPENDICES

- F. What do you and/or the whistleblower believe is the magnitude of the misconduct? (For example, how much money is involved? How many people are being harmed?)

Provide any additional information on the back of this form or on a separate sheet of paper and attach it to this form.

## PART 3

### Supporting documents

- A. Do you currently have documents or materials to support your submission?

Yes

No

If **YES**, and you are providing electronic files, files stored on a physical storage medium (such as a USB thumb drive) and/or physical documents, please describe each document and provide details below.

**Please do not reference or attach any documents that may reflect legal advice, that are communications with a lawyer for the purpose of obtaining legal advice or related working papers or that may otherwise be subject to solicitor-client privilege.**

	Document description:
<b>1.</b>	How was it obtained?
	Is it likely to reveal the whistleblower's identity? If yes, please explain:

<b>1</b> WHO IS INVOLVED?	<b>2</b> WHAT HAPPENED?	<b>3</b> SUPPORTING DOCUMENTS	<b>4</b> ABOUT THE WHISTLEBLOWER	<b>5</b> COUNSEL CERTIFICATION	<b>6</b> APPENDICES
---------------------------	-------------------------	-------------------------------	----------------------------------	--------------------------------	---------------------

	Document description:
<b>2.</b>	How was it obtained?
	Is it likely to reveal the whistleblower's identity? If yes, please explain:
	Document description:
<b>3.</b>	How was it obtained?
	Is it likely to reveal the whistleblower's identity? If yes, please explain:
	Document description:
<b>4.</b>	How was it obtained?
	Is it likely to reveal the whistleblower's identity? If yes, please explain:
	Document description:
<b>5.</b>	How was it obtained?
	Is it likely to reveal the whistleblower's identity? If yes, please explain:

If necessary, provide any additional information on a separate sheet of paper and attach it to this form.

**B. Are there additional documents or materials available to support your submission that are not in your possession or control?**

Yes                      No                      I don't know

If **YES**, please describe the additional documents and the location of each document. Please also indicate if any of the additional documents are likely to reveal the whistleblower's identity.

**Please do not reference any documents that may reflect legal advice, that are communications with a lawyer for the purpose of obtaining legal advice or related working papers or that may otherwise be subject to solicitor-client privilege. We do not expect you to obtain documents or other things that are not in your possession or control.**

Provide any additional information on the back of this form or on a separate sheet of paper and attach it to this form.

**1** WHO IS INVOLVED?

**2** WHAT HAPPENED?

**3** SUPPORTING DOCUMENTS

**4** ABOUT THE WHISTLEBLOWER

**5** COUNSEL CERTIFICATION

**6** APPENDICES

## PART 4

### About the whistleblower

**A. Have you or the whistleblower had any prior communication with the ASC regarding this matter?**

Yes                      No                      I don't know

If **Yes**, please specify:

i. Person at the ASC (if known) that you dealt with:

ii. Date of your initial communication (YY/MM/DD):

**B. Have you or the whistleblower had any communication with another securities regulator, self-regulatory organization (such as the Investment Industry Regulatory Organization of Canada (IIROC), or the Mutual Fund Dealers Association (MFDA)), government official, or a law enforcement agency regarding this matter?**

Yes                      No                      I don't know

If **YES**, please specify:

i. Organization(s):

ii. Person at the organization (if known) that you dealt with:

iii. Date of your initial communication (YY/MM/DD):

iv. Action taken by that party (if any, if known):

**C. Are you or the whistleblower involved in legal proceedings regarding this matter?**

Yes                      No                      I don't know

If **YES**, please answer the following questions:

i. What is your or that person's involvement in the legal proceedings? For example, are you or that person a plaintiff, defendant or witness?

<b>1</b> WHO IS INVOLVED?	<b>2</b> WHAT HAPPENED?	<b>3</b> SUPPORTING DOCUMENTS	<b>4</b> ABOUT THE WHISTLEBLOWER	<b>5</b> COUNSEL CERTIFICATION	<b>6</b> APPENDICES
---------------------------	-------------------------	-------------------------------	----------------------------------	--------------------------------	---------------------

ii. Describe the type and timing of the legal proceedings.

**D. Does/did the whistleblower have an internal or external role (a relationship) with any of the entities involved in the misconduct at the time of the misconduct?**

Yes                      No

If **YES**, please complete the following:

Which entity does/did the whistleblower have a role in? <i>Select only one.</i>	What <b>internal</b> roles, if any, does/did the whistleblower have with the entity at the time of the misconduct? <i>Select all that apply.</i>	What <b>external</b> roles, if any, does/did the whistleblower have with the entity at the time of the misconduct? <i>Select all that apply.</i>	When did the whistleblower have the roles noted in Column A and/or B?
	Column A	Column B	
Entity #1	Employee	Analyst	(YY/MM) From:            /
Entity #2	Officer	External auditor (or functional equivalent)	To:                /
Entity #	Director (board of directors) Chief compliance officer (or functional equivalent) Internal auditor (or functional equivalent) In-house counsel Other:	External legal counsel Consultant Contractor Other:	



<b>1</b> WHO IS INVOLVED?	<b>2</b> WHAT HAPPENED?	<b>3</b> SUPPORTING DOCUMENTS	<b>4</b> ABOUT THE WHISTLEBLOWER	<b>5</b> COUNSEL CERTIFICATION	<b>6</b> APPENDICES
---------------------------	-------------------------	-------------------------------	----------------------------------	--------------------------------	---------------------

**E. If the whistleblower has/had an internal role at any of the entities, did they take any steps to escalate concerns internally at the entity?**

Yes                      No                      I don't know

If **YES**, please complete the following:

To whom did the whistleblower report the misconduct?	To your knowledge, did the person(s) or departments at the entity to whom the whistleblower reported the misconduct take any steps to address the concern(s)?
<p>Name _____</p> <p>Job position/title: _____</p> <p>Entity name: _____</p> <p>Date they initially reported the misconduct (YY/MM/DD): _____</p>	<p style="text-align: center;">Yes              No              I don't know</p> <p>If <b>YES</b>, describe the steps taken by the person(s) or department(s):</p>

**F. Did the whistleblower obtain this information while participating in an inquiry or investigation?**

Yes                      No                      I don't know

If **YES**, please explain:

<b>1</b> WHO IS INVOLVED?	<b>2</b> WHAT HAPPENED?	<b>3</b> SUPPORTING DOCUMENTS	<b>4</b> ABOUT THE WHISTLEBLOWER	<b>5</b> COUNSEL CERTIFICATION	<b>6</b> APPENDICES
---------------------------	-------------------------	-------------------------------	----------------------------------	--------------------------------	---------------------

**G. Was the whistleblower involved in the misconduct?**

Yes                      No                      I don't know

If **YES**, please describe their involvement:

**H. Is there anything else you would like to tell us?**

**I. Lawyer's contact information**

LAWYER			
NAME	First	Middle	Last
NAME OF LAW FIRM			
ADDRESS	Street	City	Province/State
	Country, Postal/zip code	Daytime phone	Email

Please indicate your preferred method of communication should we need to contact you: \_\_\_\_\_

The best time to contact you:              Morning              Afternoon

1 WHO IS INVOLVED?

2 WHAT HAPPENED?

3 SUPPORTING DOCUMENTS

4 ABOUT THE WHISTLEBLOWER

5 COUNSEL CERTIFICATION

6 APPENDICES

## PART 5

### Counsel certification


1. I confirm that I have read and understand the Alberta Securities Commission Policy 15-602 *Whistleblower Program*, and have explained it to my client, the whistleblower.
2. I confirm that I have verified the whistleblower's identity by viewing the whistleblower's valid government-issued identification.
3. I confirm that the whistleblower has provided me with a complete and signed Whistleblower Submission Form including a whistleblower certification, the originals of which I retain in my records.
4. I confirm that, to the best of my knowledge and belief, I am not in breach of my legal or professional obligations (eg. solicitor-client privilege) by providing information and documents to the ASC.
5. I have confirmed with the whistleblower that, to the best of their knowledge and belief, the information submitted is true and complete. To the best of my knowledge and belief, all information submitted through this form is true and accurate.


I, \_\_\_\_\_, certify that I have read and agree to the above.  
(print name)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(date)

Please send the Whistleblower Counsel Submission Form and supporting documents or materials either by email or mail to the contact information below.

 [owb@asc.ca](mailto:owb@asc.ca)

 OWB – Confidential  
Alberta Securities Commission  
Suite 600, 250-5th Street SW  
Calgary, Alberta, T2P 0R4

1 WHO IS INVOLVED?

2 WHAT HAPPENED?

3 SUPPORTING DOCUMENTS

4 ABOUT THE WHISTLEBLOWER

5 COUNSEL CERTIFICATION

6 APPENDICES

**PART 6**

**Appendices**

**Appendix 1**

Who are the individuals involved in the misconduct?

Please provide details of additional individuals involved in the misconduct below. Continued from part 1A.

**INDIVIDUAL #3**

NAME	First	Last	Job position/Title
------	-------	------	--------------------

EMPLOYER

ADDRESS	Street	City	Province/State
---------	--------	------	----------------

Country, Postal/zip code	Phone number	Email
--------------------------	--------------	-------

**INDIVIDUAL #4**

NAME	First	Last	Job position/Title
------	-------	------	--------------------

EMPLOYER

ADDRESS	Street	City	Province/State
---------	--------	------	----------------

Country, Postal/zip code	Phone number	Email
--------------------------	--------------	-------

**INDIVIDUAL #5**

NAME	First	Last	Job position/Title
------	-------	------	--------------------

EMPLOYER

ADDRESS	Street	City	Province/State
---------	--------	------	----------------

Country, Postal/zip code	Phone number	Email
--------------------------	--------------	-------

**1** WHO IS INVOLVED?

**2** WHAT HAPPENED?

**3** SUPPORTING DOCUMENTS

**4** ABOUT THE WHISTLEBLOWER

**5** COUNSEL CERTIFICATION

**6** APPENDICES

**INDIVIDUAL #6**

NAME                      First    Last    Job position/Title

EMPLOYER

ADDRESS                      Street    City    Province/State

Country, Postal/zip code                      Phone number    Email

**INDIVIDUAL #7**

NAME                      First    Last    Job position/Title

EMPLOYER

ADDRESS                      Street    City    Province/State

Country, Postal/zip code                      Phone number    Email

**INDIVIDUAL #8**

NAME                      First    Last    Job position/Title

EMPLOYER

ADDRESS                      Street    City    Province/State

Country, Postal/zip code                      Phone number    Email

**1** WHO IS INVOLVED?

**2** WHAT HAPPENED?

**3** SUPPORTING DOCUMENTS

**4** ABOUT THE WHISTLEBLOWER

**5** COUNSEL CERTIFICATION

**6** APPENDICES

## Appendix 2

Who are the entities (companies) involved in the misconduct?

Please provide details of additional entities involved in the misconduct below. Continued from part 1B.

### ENTITY #3

NAME  Name

ADDRESS  Street  City  Province/State

Country, Postal/zip code  Phone number  Website

### ENTITY #4

NAME  Name

ADDRESS  Street  City  Province/State

Country, Postal/zip code  Phone number  Website

### ENTITY #5

NAME  Name

ADDRESS  Street  City  Province/State

Country, Postal/zip code  Phone number  Website

### ENTITY #6

NAME  Name

ADDRESS  Street  City  Province/State

Country, Postal/zip code  Phone number  Website

**1** WHO IS INVOLVED?

**2** WHAT HAPPENED?

**3** SUPPORTING DOCUMENTS

**4** ABOUT THE WHISTLEBLOWER

**5** COUNSEL CERTIFICATION

**6** APPENDICES

**ENTITY #7**

NAME Name

ADDRESS Street City Province/State

Country, Postal/zip code Phone number Website

**ENTITY #8**

NAME Name

ADDRESS Street City Province/State

Country, Postal/zip code Phone number Website

**ENTITY #9**

NAME Name

ADDRESS Street City Province/State

Country, Postal/zip code Phone number Website

**ENTITY #10**

NAME Name

ADDRESS Street City Province/State

Country, Postal/zip code Phone number Website

**1** WHO IS INVOLVED?

**2** WHAT HAPPENED?

**3** SUPPORTING DOCUMENTS

**4** ABOUT THE WHISTLEBLOWER

**5** COUNSEL CERTIFICATION

**6** APPENDICES

This page is left intentionally blank for additional information if necessary.



**1** WHO IS INVOLVED?

**2** WHAT HAPPENED?

**3** SUPPORTING DOCUMENTS

**4** ABOUT THE WHISTLEBLOWER

**5** COUNSEL CERTIFICATION

**6** APPENDICES

This page is left intentionally blank for additional information if necessary.