

Re Jones

IN THE MATTER OF:

The Rules of the Investment Industry Regulatory Organization of Canada

and

Alvin Rupert Jones

2021 IIROC 01

Investment Industry Regulatory Organization of Canada
Hearing Panel (Ontario District)

Heard: January 18, 2021 in writing in Toronto, Ontario
Decision: January 25, 2021

Hearing Panel:

Honourable Robert P. Armstrong, Q.C., Chair, Selwyn Kossuth and Timothy Pryor

Appearance:

Natalija Popovic, Senior Enforcement Counsel for IIROC
Jerome H. Stanleigh, Counsel Alvin Rupert Jones

DECISION ON MOTION TO REDACT CERTAIN INFORMATION FROM PENALTY REASONS

- ¶ 1 The Reasons for Decision on Penalty in this matter were released on December 10, 2020.
- ¶ 2 Following their release, a Notice of Motion by Counsel for Mr. Jones was delivered pursuant to Rule 8203 (5) (iii) of the IIROC Consolidated Enforcement, Examination and Approval Rules, which provides:
- (5) A hearing under this Rule must be open to the public unless it is:
- [...]
- (iii) a hearing or part of a hearing where the hearing panel is all of the opinion that the desirability of avoiding disclosure of intimate, personal or other matters outweighs the desirability of allowing the hearing or part of the hearing to be open to the public.
- ¶ 3 The *Policy Regarding Use and Disclosure of Personal Information in IIROC Disciplinary Proceedings* confirms a hearing panel's discretion to balance the need to include the relevant information against the privacy interests of an individual and provides guidance on when sensitive personal information may be redacted.
- ¶ 4 Counsel for Mr. Jones requests that we redact paragraphs 29, 30, 31, 32, 33, 34, 35, 36, 43, 44, and 45 in our Reasons for Decision on Penalty. Counsel submits that these paragraphs disclose financial information of Mr. Jones, which is of an intimate and personal nature and ought to be redacted pursuant to the above Rule.

¶ 5 Counsel for IIROC concedes that certain of the paragraphs cited by Counsel for Mr. Jones, although not all, fall within the purview of the Rule and should be redacted.

¶ 6 We are of the opinion that that some of the language in paragraphs 29 through 36 fall within the language of the Rule as disclosing intimate, personal financial matters, which ought not and need not to be publicly disclosed. In our view, avoiding the release of such information outweighs the desirability of public disclosure. However, we do not agree that there is anything in paragraphs 43, 44 and 45, which attracts the application of the Rule.

¶ 7 In the result, an order will go redacting the following information from the Reasons for Decision on Penalty:

- Paragraph 29: First bullet point – Redact the second sentence after the bullet point. Second Bullet Point - Redact it. Third Bullet Point - Redact it.
- Paragraph 31: Redact all of the dollar figures and the names of individuals.
- Paragraphs 32, 34, 35 and 36: Redact all the dollar figures.
- Paragraph 36: Redact the second sentence.

Dated at Toronto, this 25 day of January 2021.

Robert P. Armstrong

Selwyn Kossuth

Timothy Pryor

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