

OFFICE OF ADMINISTRATIVE ADJUDICATION

OAA NOTICE 2012-1.1

Date: November 7, 2012

To: Parties to Administrative Adjudication Proceedings

Subject: Electronic Transmission of Documents to the OAA for Filing in Administrative Adjudication Proceedings

The Office of Administrative Adjudication (OAA) issues this Notice pursuant to 12 C.F.R. § 1081.111(b)(1). This Notice describes the procedure for the electronic transmission of documents to the OAA for filing in an administrative adjudication proceeding. It should be read in conjunction with the Rules of Practice for Adjudication Proceedings (Rules) (12 C.F.R. pt. 1081), which govern filings with the OAA. The guidance provided herein is intended to supplement and clarify, but not supersede, the Rules.

Filings in an administrative adjudication proceeding are electronically transmitted to the OAA, in accordance with the requirements set out below, unless the:

1. filing party has demonstrated that electronic filing is impracticable, or
2. hearing officer or the Director of the CFPB has specified a different mode of transmission.

OAA Notice 2012-2 provides guidance to parties for whom electronic filing is not practicable. OAA Notices are posted on the CFPB website at <http://consumerfinance.gov/administrativeadjudication>

ELECTRONIC FILING PROCEDURES

Acceptable File Formats: Documents to be filed must be in a searchable optical character recognition (OCR) portable document format ([filename].pdf). A single PDF file may contain both a motion and the supporting brief, but a related exhibit, attachment, or other document must be transmitted in a separate PDF file. Where there are multiple related exhibits, attachments, or other documents, they must be transmitted in a single PDF file, to the extent possible, in light of the size limitations described below in **Data Size Limitations**.

Email Address For Electronic Filing: PDF files containing documents to be filed are attached to an email that is transmitted to the OAA at the following address: CFPB_electronic_filings@cfpb.gov. Emails received by CFPB_electronic_filings@cfpb.gov will generate an automated confirmation email. This response confirms receipt of the email ONLY. This email does not mean that the item is docketed.

Within two business days after the transmission of documents for filing, the OAA will email and inform the submitting party their document has been docketed and is available for view on the OAA website.

Email Message Requirements:

Subject Line: Include the following information in the subject line of the email:

1. docket number for the proceeding, and
2. number of PDF files attached to the email, e.g.: 2012-CFPB-1234, 1 PDF file attached.

Body of Email: Include the following information in the body of the email:

1. number of PDF files that are attached to the email,
2. number of documents contained in each of the PDF files that are attached to the email,
3. title of each document or general description of the category of documents contained in each of the PDF files that are attached to the email,
4. whether the party is also submitting files using encrypted email,
5. contact information, including mailing address, email address, and telephone number, for the filing party and its counsel, if represented, and
6. identity of the person to be contacted with any questions regarding the filing.

Security: Documents must be scanned and free of viruses or malicious code prior to transmission to the OAA for filing.

Data Size Limits: The OAA email system is unable to receive a filing that is larger than 20 megabytes (20 MB), including both the email and the PDF files that are attached. A document or documents that are over 20 MB may be divided into the appropriate number of PDF files for transmission to OAA via a series of emails with attached PDF files. To avoid confusion, the body of each email in the series must identify the part of the document or documents contained in the PDF file that is attached to the email and list the total number of parts to the document or documents, e.g., 12-1234, Respondent's Opposition to Motion for Summary Judgment, part 1 of 3.

A filing that is over 200 megabytes (200 MB) must be transmitted to the OAA using the procedure described below in **Option 2 For Filing Encrypted Documents**.

Encryption Requirements for Certain Filings: Documents for which a party seeks confidential treatment or documents for which confidential treatment has been ordered by the Director or the hearing officer pursuant to 12 C.F.R. § 1081.119, or by a federal court, must be filed with the OAA using encryption.

Please note that only documents containing confidential information or relevant sensitive personal information should be filed using encryption (documents containing personally identifiable information (PII) must be filed as a redacted and unredacted version). Related motions, briefs, and exhibits that do not contain confidential information or relevant sensitive personal information, or from which such information has been expurgated pursuant to 12 C.F.R. §§ 1081.112(e) and (f), should be filed without encryption using the procedures outlined in this document. The electronic filing should state in the body of the email message that an additional document is being filed using encryption.

Two options are available to file documents in an encrypted format. Option 1 is preferred for filers transmitting less than 200 megabytes (200 MB) of material.

Option 1 For Filing Encrypted Documents. Documents may be transmitted in encrypted format via the ZixMail encryption system that the OAA will make available to a party upon request. A party may submit a request for access to the system any time after service of a Notice of Charges, and at least two full business days prior to the date that the party plans to transmit the encrypted filing to the OAA. A request for access to the ZixMail encryption system is sent by email to docketclerk@cfpb.gov. The subject line of the email request should read: Request to File With Encryption. Within two business days after submitting a request, the requester will receive an email from CFPB_electronic_filings@cfpb.gov with instructions for the secure filing of encrypted documents using the ZixMail encryption system.

Option 2 For Filing Encrypted Documents. The filing of encrypted documents may be accomplished through the transmission of encrypted format on acceptable magnetic or electronic media. The filing of documents exceeding 200MB must be transmitted on acceptable magnetic or electronic media.

Acceptable Magnetic and Electronic Media Types:

1. CD-R CD-ROMs formatted to ISO 9660 specifications;
2. DVD-ROM for Windows-compatible personal computers;
3. USB 2.0 thumb drives for Windows-compatible personal computers; and
4. USB 3.0 or USB 3.0/eSATA external hard disk drives, formatted in a Microsoft Windows-compatible file system (FAT32 or NTFS), uncompressed data.

Additional Requirements For Magnetic and Electronic Media:

1. If more than 5 CDs, DVDs, or thumb drives are required in any combination, an external hard disk shall be required to submit the filing.
2. Magnetic or electronic media types are to be encrypted at the disk level and not at the individual file level.
3. Encrypted media or encrypted containers are acceptable and encryption methods can include TrueCrypt.
4. Decryption keys should be provided separately and may be sent in an email to the following address: docketclerk@cfpb.gov
5. Any media sent to the Bureau must be properly packaged to prevent damage.

Non-Electronic Methods of Filing: Delivery to the OAA of magnetic or electronic media may be accomplished by one of the following methods:

1. U.S. Postal Service first class, registered, certified, overnight, or express mail;
2. UPS or FedEx;
3. Reliable commercial courier service to the OAA Docket Clerk; or
4. Personal service to the OAA Docket Clerk.

Use the following address when sending materials via US Postal Service, UPS, or FedEx:

Consumer Financial Protection Bureau
Office of Administrative Adjudication
1700 G Street NW
Washington, D.C. 20552

Please call or email the OAA at least two business days in advance to arrange for the receipt of material that will be delivered via commercial courier or personal service.

Contact Information for the OAA: If you have questions regarding electronic filing or to arrange for a delivery to the OAA, please contact the OAA at docketclerk@cfpb.gov or (202) 435-7222. Messages should include the name and docket number of the case and the caller's contact information. The OAA will respond to messages as soon as possible.