



## YCOR: Electronic Records Management Protocol

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Effective Date: August 05, 2019

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### *SCOPE AND OBJECTIVE*

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This protocol sets out the process by which Corporate Affairs (a branch within the Government of Yukon's Department of Community Services) converts the original paper or electronic record into data within the Yukon Corporate On-Line Registry (YCOR) database. The information contained in the database becomes the electronic official record. The original paper or electronic record becomes a source document in the YCOR database. This protocol and process attests to the reliability, authenticity and integrity of the electronic official record.

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### *BACKGROUND*

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Corporate Affairs is transitioning the "official record" from paper to electronic. The implementation of YCOR will allow users to complete, online, most of the transactions and filings required by the applicable legislation. Until further notice, Corporate Affairs will continue to accept paper records of such transactions and filings and will convert the information from paper to electronic official records.

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### *AUTHORITY*

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*Archives Act (Yukon) RSY 2002, c. 9*

*Business Corporations Act (Yukon) RSY 2002, c. 20*

*Cooperative Associations Act (Yukon) RSY 2002, c. 43*

*Electronic Commerce Act (Yukon) RSY 2002, c. 66*

*Electronic Evidence Act (Yukon) RSY 2002, c. 67*

*Evidence Act (Yukon) RSY 2002, c. 78*

*Partnership and Business Names Act (Yukon) RSY 2002, c. 166*

*Societies Act (Yukon) RSY 2002, c. 206*

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## **APPLICATION**

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This protocol applies to all paper and/or electronic records received by Corporate Affairs from clients, through YCOR, email, mail or in person, under the above-noted legislation. By using YCOR, users agree to indemnify Corporate Affairs from all responsibility for any filing/system errors.

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## **CRITERIA**

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*Electronic Commerce Act:*

1. the requirement for a signature of a person is met by an electronic signature if (1) the Government has consented to accept electronic signatures; and  
(2) the electronic document meets the “information technology standards and requirements as to method and as to reliability of the signature, if any, established by the Government.” (Section 10); and
2. a requirement for a person to present or retain a document in its original form is satisfied by the provision or retention of an electronic document if
  - (1) there exists a reliable (assessed in the light of the purpose for which the document was made and in light of all the circumstances) assurance as to the integrity (shown by whether the information has remained complete and unaltered) of the information contained in the electronic document to be presented or retained was first made in its final form, whether as a paper document or as an electronic document;
  - (2) the Government has consented to accept electronic documents in satisfaction of the requirement; and
  - (3) the electronic document meets the information technology standards and acknowledgement rules, if any, established by the Government (Section 11).

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## **DEFINITIONS**

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The following definitions from the Canadian General Standards Board, as stated in Electronic Records as Documentary Evidence (CAN/CGSB-72.34-2017), apply:

“accuracy” means the degree to which recorded information is precise, correct, truthful, free of error or distortion. (p. 2)

“authenticity” means the quality of an entity that it is what it purports to be and that it is free from tampering or corruption. (p. 3)

“capture” means the act of recording or saving a particular instance of recorded information. (p. 3)

“official record” means the instance of a record that has the force of an original record and is authoritative, final, and complete. (p. 5)

“original record” means the first complete record capable of reaching the purposes for which it was intended (i.e. effective). (p. 6)

“recorded information” means information affixed to a medium in a stable form. (p. 6)

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## *PROCESS*

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### **1. PAPER RECORDS CONVERTED TO ELECTRONIC RECORDS**

Corporate Affairs (Staff) is not an agent nor acting as an agent. Actions outlined in this document and completed by Staff are administrative functions only.

The applicable forms include a statement advising the client that delivery of the forms to Corporate Affairs irrevocably authorizes and directs Staff to transfer the information to YCOR, on the client’s behalf. The client, therefore, consents to the conversion of paper records to official electronic records, upon delivery to Corporate Affairs.

It is the responsibility of the client to ensure the information contained in the original paper or electronic record does not contain any material misstatement of fact or that a material fact is omitted from that record.

Staff converts paper records (original records) received, where applicable, to electronic records by scanning the paper records and entering the information in YCOR. The information entered in YCOR is entered as presented in the original documents received from the client.

#### **1.1. FILER (A STAFF INDIVIDUAL)**

- A. Receives paper record, and stamps it with the date of receipt;
- B. Reviews the information for completeness;

- i. If information is incorrect, the paper record is returned to the client, and the process is concluded. When it is resubmitted, the process begins again at the first step.
- C. Manually enters the information from the paper record in a filing form in YCOR;
- D. Submits the information in YCOR to create the filing;
- E. YCOR generates a portable document format (PDF) of the filing. Each PDF will include the date of filing, the name of the signatory and the name of the Filer who created the filing;
- F. YCOR store the system-generated PDF in a transitional folder, not accessible to the public, until the audit is approved;
- G. Scans and converts each paper record to PDF, including supporting document(s), as required by legislation, and stores them in the appropriate folder in YCOR, to be kept in case of dispute;
- H. Submits the paper record to the Auditor for final review.

## 1.2. AUDITOR (A DIFFERENT STAFF INDIVIDUAL)

- A. Audits the authenticity of the resulting electronic information, within the business service standard timelines, by:
  - i. Comparing the data in YCOR and the system-generated PDF to the original paper record to confirm each original paper record has been accurately and completely transcribed to meet all legislative requirements; and
  - ii. Comparing each original paper record to the PDF stored in YCOR to confirm it has been accurately, completely and legibly captured.
- B. **Confirms** approval in YCOR that the PDF electronic record and the captured information are accurate, complete, and legible,
  - i. If the Auditor **cannot confirm** the PDF electronic record is accurate, complete, and legible, the Auditor meets with the filer (or another staff member if the filer is not available) to make any necessary corrections to the electronic record, or
  - ii. If the information on the paper record requires an amendment, the paper document is rejected and returned to the client in accordance with Corporate Affairs' procedures. The filing entry in YCOR is marked as REJECTED, and the PDF is deleted.
- C. Once the Auditor confirms approval in YCOR,
  - i. The system records the Auditor's name and date of audit; and
  - ii. The Auditor destroys the paper record.

## 1.3. YCOR SYSTEM

- A. Moves the system-generated PDF, upon audit approval, from the transitional folder to the appropriate file in YCOR;

- B. Generates a notification with the resulting YCOR record;
  - i. If the client's email address is in the database, an email is generated and sent to the client. It includes a note stating it is the client's responsibility to verify the accuracy of the information in the resulting record, and to inform Corporate Affairs, in writing, of any errors or omissions within 30 days of the filing date (the deemed confirmed period); or
  - ii. If an email address is NOT in the database, a printable notice of the resulting YCOR record is provided to Staff. Staff mail the notice to the client. The notice includes a statement that it is the client's responsibility to verify the accuracy of the information in the resulting record, and to inform Corporate Affairs, in writing, of any errors or omissions within 30 days of the filing date (the deemed confirmed period).

#### **1.4. REGISTRAR**

- A. On the 31<sup>st</sup> day after the filing date in YCOR, if no communication is received from the client (within the deemed confirmed period) to report any errors or omissions, the electronic resulting YCOR record is deemed, by the Registrar, to be the Official Record.

## **2. PDF DOCUMENTS RECEIVED BY EMAIL**

Corporate Affairs (Staff) is not an agent nor acting as an agent. Actions outlined in this document and completed by Staff are administrative functions only.

The applicable forms include a statement advising the client that delivery of the forms to Corporate Affairs irrevocably authorizes and directs Staff to transfer the information to YCOR, on the client's behalf. The client, therefore, consents to the conversion of electronic records to official electronic records, upon delivery to Corporate Affairs.

It is the responsibility of the client to ensure the information contained in the original paper or electronic record does not contain any material misstatement of fact or that a material fact is omitted from that record.

Corporate Affairs (Staff) accepts forms sent as PDF attachments to an email (original records) and enters the information in YCOR. The information entered in YCOR is entered as presented in the original documents received from the client.

### **2.1. FILER (A STAFF INDIVIDUAL)**

- A. Receives and reviews the information for completeness;
  - i. If information is incorrect, the email and attached PDF are returned to the client, and the process is concluded. When it is re-submitted, the process begins at the first step.

- B. Manually enters the information from the PDF into a filing form in YCOR;
- C. Submits the form in YCOR to create the filing record;
- D. YCOR generates a PDF of the filing. Each PDF will include the date of filing, the name of the signatory and the name of the Filer who created the filing;
- E. YCOR stores the system-generated PDF in a transitional folder, not accessible to the public, until the audit is approved;
- F. Moves the system-generated PDF, the original PDF, email and supporting document(s), as required by legislation, to the appropriate folder in YCOR, to be kept in case of dispute; and
- G. Submits the file to the Auditor for final review.

## 2.2. AUDITOR (A DIFFERENT STAFF INDIVIDUAL)

- A. Audits the authenticity of the resulting electronic information, within the business service standard timelines, by:
  - i. Comparing the data in YCOR and the system-generated PDF electronic record to the original PDF to confirm that it has been accurately and completely transcribed to meet all legislative requirements; and
  - ii. Verifying the PDF (including original PDF, email and supporting documentation, as required by legislation) has been moved to the YCOR folder.
- B. Confirms approval in YCOR that the PDF and the captured information are accurate, complete and legible,
  - i. If the Auditor **cannot confirm** the PDF is accurate, complete and legible, the Auditor meets with the Filer (or another Staff individual, if the Filer is not available) to make any necessary corrections to the electronic record, or
  - ii. If the information on the original PDF requires any amendment, the PDF is rejected. The original PDF and email are returned to the client in accordance with Corporate Affairs procedures. The filing entry in YCOR is marked as REJECTED, and the stored PDF is destroyed.
- C. Once the Auditor confirms approval in YCOR, the system records the Auditor's name and date of audit.

## 2.3. YCOR SYSTEM

- A. Upon approval by Auditor, moves the system-generated PDF from the transitional folder to the appropriate file in YCOR; and
- B. Generates an email to the client with a notice of the resulting YCOR record. It includes a notice stating it is the client's responsibility to verify the accuracy of the information in the resulting record, and to inform Corporate Affairs in writing of any errors or omissions within 30 days of the filing date (the deemed confirmed period).

**2.4. REGISTRAR**

- A. On the 31<sup>st</sup> day after the filing date in YCOR, if no written communication is received from the client (within the deemed confirmed period) to report any errors or omissions, the electronic resulting YCOR record is deemed, by the Registrar, to be the Official Record.

**3. ELECTRONIC RECORDS SUBMITTED THROUGH AND FILED IN YCOR****3.1. REGISTRAR**

- A. The Registrar accepts records electronically signed and submitted, where applicable, through YCOR, and YCOR will process the filing of the record.
- B. The client or an intermediary, on the client's behalf, submits records directly in YCOR.
- i. If accepted, YCOR automatically processes the filing of the record.
- C. The Registrar deems the resulting electronic YCOR record as the Official Record.

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***APPROVAL***

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Fred Pretorius	(Signature on file)
Director, Corporate Affairs	
10/1/2019	Signature