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APPENDIX D

**KROLL'S INVOLVEMENT WITH  
DOCUMENT MANAGEMENT  
AND REVIEW**

**I.O**

**PROTOCOLS & PROCEDURES**

Millions of pages of documents were produced in response to the Commission of Inquiry ("COI") subpoenas and Government of Canada ("GOC") call letters (federal government equivalent to a subpoena). Given the large volume of documents, protocols and procedures were developed to facilitate document access and the assessment of privilege for document production and disclosure.

**I.I Access to Documents Produced by GOC**

The GOC documents were stored in special GOC Libraries for which the COI had full access. In this way the COI could conduct its review of the

documents and the GOC could continue to respond to access to information requests, assess the documents for privilege and continue the scanning and/or duplication of the key documents.

The protocols regarding GOC document production are detailed in the agreement entitled "Establishing a Protocol to Govern Production of Documents Between the Commission of Inquiry into the Sponsorship Program and Advertising Activities and the Government of Canada." This document is included at the end of this Appendix.

### 1.2 Assessment of Privilege for Documents Produced by GOC

Special procedures were established to assess documents for privilege. It was agreed that counsel for the Government of Canada would be notified of any GOC documents selected by the Commission for production to the Parties prior to releasing them. This would enable GOC counsel to review the selected documents for privilege and to redact them if necessary.

## 2.0

### DOCUMENTS LIBRARIES AND CATALOGUES

Kroll assisted in developing and implementing a realistic plan to physically house and manage the documents received in response to the subpoenas and GOC call letters. Similarly, it was essential to devise a system to catalogue these documents, which in many cases, were housed in the various locations. These catalogues included basic information describing the documents, or groups of documents, as well as information required to manage, locate and in some cases target them for further review.

The following summarizes the principal document libraries and catalogues developed to organize, manage and locate pertinent documents.

#### 2.1 PWGSC Library and Document Catalogues

PWGSC produced the overwhelming majority of documents related to Sponsorship activities. These represented approximately 5,170 boxes which totaled over 20.7 million pages. An additional 1,904 boxes or 7.6 million

pages stored in various archives were located and sampled, however it was determined that they were not pertinent or responsive to the COI subpoenas or GOC call letters. A PWGSC Library in Gatineau, Quebec was established to organize, catalogue and store the documents produced by PWGSC and to enable the COI access to review and duplicate these documents as necessary.

PWGSC also put in place a number of teams to review and catalogue the contents of the Library and the results were captured in a series of detailed databases. The majority of the PWGSC Library holdings were described at the folder level and a few, which were deemed less pertinent, were described at the box level. The folder descriptions included objective information, such as:

- Collection name;
- Description of the document content;
- Reference number;
- Dates - period covered by the documents;
- Document type; and
- Contract files included the contract number, Communication Agency name and the file type (e.g., payment, procurement, program, etc.).

If applicable, PWGSC also provided additional "qualitative" information, such as:

- Sponsorship event(s) that documents related to;
- Communication Agencies that documents related to; and
- Key individuals (GOC and Communication Agencies) that documents related to.

The majority of the documents produced by the Privy Council Office ("PCO") and the Treasury Board Secretariat ("TBS") were also housed in the PWGSC Library. Similarly, all documents that PWGSC received from the Public Accounts Committee hearings were also kept in the Library.

## 2.2 Other Government Department Libraries and Document Catalogues

As indicated above, the majority of documents related to Sponsorship activities came from PWGSC and to a lesser extent, PCO and TBS. However, advertising activities touched virtually all government departments during the relevant period and the criteria to determine the pertinence of advertising-related documents was decidedly less clear. As such, it was determined that it would not be cost-effective or efficient to collect and consolidate all these documents into a single Library. Each government department was asked to develop a catalogue of advertising-related documents aimed at determining their potential relevance to the COI. The catalogues included basic information, such as document:

- Title and/or content description;
- Date;
- Communication Agency involved (if applicable); and
- Contact and reference code required to locate document.

Upon review of these catalogues, COI staff would make arrangements to locate and review the documents of interest and in turn to obtain copies as required.

## 2.3 Commission of Inquiry Library and Document Catalogues

The Commission of Inquiry Library had two branches, one in Montreal and one in Ottawa. The COI Library housed all non-GOC documents received in response to the subpoenas. These include documents from:

- Office of the Auditor General;
- Crown Corporations;
- Communication Agencies including their financial institutions and audit firms;
- Recipients of Sponsorship funds;
- RCMP documents; and
- Public Accounts Committee (GOC and non-GOC documents).

The COI Library also housed selected duplicates from the GOC Libraries. For example, all documents or document "collections" which were clearly central to the Inquiry were stored in the COI Libraries for ready access and review.

A detailed catalogue (in database format) describing these documents was developed and coded. Sample document information captured included:

- Document locator code - constructed in a way to provide a unique reference and address of the document location in the COI Library. The locator code was also designed to group documents from the same "collection source" together;
- Document collection source name;
- Library location (Montreal, Ottawa or both);
- Document type;
- Date received;
- Original source and reference number;
- Content title or description;
- Content date or range; and
- Flagged for capture into formal document management system.

As documents were received, organized, catalogued and stored in the COI Library, a list was distributed to COI staff so that they could locate those documents pertinent to their assignments.

### 3.0

## DOCUMENT REVIEW AND ANALYSIS

### 3.1 Document Filtering and Selection

The various document catalogues described above were used by counsel, forensic accountants and investigators to target and locate pertinent documents based on the COI terms of reference. As mentioned above, the full catalogues and/or additions to the catalogues were regularly provided to the COI team for their review. Also, extensive searches of the catalogues were completed to locate pertinent documents based primarily on the names of key individuals, Sponsorship events, Sponsorship or Advertising contract numbers and/or time periods of interest.

Once the documents were located and reviewed, those deemed pertinent for witness interviews, witness examination at the hearings and/or further analysis were flagged to be captured and managed in a dedicated "Document Management System".

If required documents were not found, additional requests or subpoenas were issued to obtain the necessary information required to conduct the Inquiry.

### 3.2 Document Capture Into Dedicated Document Management System

The "filtered" documents selected by COI as pertinent for the various witness interviews, investigations and/or the witness examinations were captured into a dedicated document management system. This was done to facilitate:

- The management of the overall process of GOC notification and document production for disclosure to Parties with standing; and
- The review and analysis of the key documents.

Kroll engaged the services of Supergravity, a leading manufacturer of document/case management and litigation support software, to develop, manage and host a secure COI document database. Supergravity was responsible to:

- Capture selected documents by scanning or converting existing digital documents into the required format;
- Convert document images into text to enable keyword text searches;
- Construct a fully integrated and indexed document database for advanced functionality;
- Train COI staff to use SUPERText Research PRO, which is the "analytical" interface to the document database, based on COI functional requirements;
- Provide real time, secure and remote access to 25 concurrent COI users via an internet connection and browser;
- Continually update and maintain the COI document database including full text indexing and backups; and
- Produce CDs containing selected documents for disclosure in a variety of digital formats to accommodate the varying needs and capabilities of the Parties with standing.

A number of tasks were required to prepare the "selected" documents for input into the document management system. They included:

- Cataloguing and organizing of documents;
- Preparing documents for scanning (removing staples, clips, etc.);
- Identifying document groups, e.g. attachments;
- Inserting and coding separator sheets; and
- Organizing and packaging documents for shipping.

Once the selected documents were captured into the SUPERText document database, they were readily available to all COI team members for review and analysis.

### 3.3 Document Analysis and Coding

As selected documents were captured into the SUPERText document database, each was coded with a document collection source name, a title or a description of the content and, where possible, a date.

The document collection source name was used as the organizational framework of the document database which facilitated the navigation or browsing of documents by COI team members. Similarly, documents could be located by performing text string searches. Again, such searches could focus on the names of key individuals, Sponsorship events and/ or contract numbers. Counsel, accountants and investigators focused on identifying and summarizing facts related to the broad themes of:

- Creation and/or funding of the Sponsorship program;
- Selection of communication and advertising agencies;
- Management of Sponsorship Program and advertising activities by government officials at all levels; and
- Receipt and use of any funds or commissions disbursed in connection with the sponsorship program, etc.

In many cases, the document reviewer's comments or findings were coded into the document management database for the benefit of other COI team members.

### 3.4 Document Production and Disclosure for Hearings

The disclosure of "pertinent" documents for the examination of witnesses involved a comprehensive and elaborate process. Some of the key steps included:



### 3.4.1 Document Coding

The coding of documents to include the collection source name, document title or description and document date was required to produce an index of the documents selected for production and disclosure to the Parties with standing.

### 3.4.2 GOC Notification

As discussed in section 1.2, COI agreed to "notify" counsel for the Government of Canada of any GOC documents selected by the Commission for production to the Parties prior to releasing them. This would enable GOC counsel to review the selected documents for privilege and to redact them if necessary.

This process needed to be carefully documented and monitored to ensure an efficient and timely process synchronized to the schedule of witness examinations and to minimize inappropriate disclosures. Tracking procedures and schedules were developed and implemented to manage this process.

### 3.4.3 Document Production and Disclosure

All documents which COI counsel relied on to examine witnesses during the hearings had to be disclosed to the Parties with standing in advance of the actual examinations. In addition, it was decided that key document collections central to the Inquiry would be produced in their entirety regardless of whether all the documents would be relied upon during the hearings.

The documents produced and disclosed to the Parties with standing were provided in two digital formats. The initial format consisted of a "lite version" of the SUPERText: Research PRO software called "SUPERText: BASIC". This approach consisted of bundling fully-indexed and organized digital documents on CDs which enabled the recipients to search and locate files of interest to review and/or print without any training and/or technical support. This was the "lowest common denominator" solution as each CD was a stand-alone document database that works on virtually all computer configurations. This was especially important for the small law firms which

had limited IT resources including hardware and technical support. The limitation of this approach was that the searches and analysis were confined to one CD at a time.

Following a review of decisions in other cases where a very large number of documents were disclosed, COI counsel decided to provide all Parties with standing the same tool that the COI employed to the review of its documents. As such, each Party with standing was provided with one SUPERText Research PRO license and the instructions and technical support to build one integrated document database. The document database needed to be continually updated as each new set of documents was produced and disclosed.

Therefore each set of disclosure documents was provided in the SUPERText: BASIC format as well as the SUPERText Research PRO format.

This process also needed to be carefully documented and monitored to ensure an efficient and timely process synchronized to the schedule of witness examinations. Again tracking procedures and schedules were developed and implemented to manage this process.

4.0

COI UNIVERSE OF DOCUMENTS - SUMMARY METRICS

COI Universe of Documents – Summary Metrics				
Document Libraries	Documents Received and Catalogued		Number of Pages Captured in SUPERText Document Database	Number of Pages from SUPERText Disclosed to Parties with Standing
	Number of Boxes	Number of Pages		
PWGSC	5,170	20,680,000	559,411	480,789
Other Government Departments	623	2,492,000		
Commission of Inquiry (COI)	1,275	5,100,000		
TOTAL	7,068	28,272,000		

Notes

1. Table does not include an additional 1,904 boxes or 7.6 million pages stored in various archives which were located and sampled and determined as not pertinent or responsive to the COI subpoenas or GOC call letters
2. Table above does not include the 258 CDs received from non-PWGSC sources

AGREEMENT

ESTABLISHING A PROTOCOL TO GOVERN PRODUCTION OF DOCUMENTS BETWEEN THE COMMISSION OF INQUIRY INTO THE SPONSORSHIP PROGRAM AND ADVERTISING ACTIVITIES.

BETWEEN:	The Commission of Inquiry into the Sponsorship Program and Advertising Activities ("the Commission")
AND:	The Government of Canada As represented by Public Works and Government Services Canada

Introduction

By Order in Council 2004-110, the Committee of the Privy Council appointed the Honourable Mr. Justice John H. Gomery, a judge of the Superior Court of Quebec, as Commissioner notably to investigate and report on questions raised, directly or indirectly, by Chapters 3 and 4 of the November 2003 Report of the Auditor General of Canada to the House of Commons with regard to the Sponsorship Program and Advertising Activities of the Government of Canada. The Commission is issued under Part I of the *Inquiries Act*.

By letter dated April 1, 2004, the Commission addressed a first Document and Information request to the Government of Canada. It is anticipated that further requests will be issued in the course of the inquiry.

By letter dated April 29, 2004, the Commission postponed to July 5, 2004 the completion of the document production, it being understood that the Commission will set a schedule for documents to be transmitted on a priority basis until then.

The present Agreement is intended to provide a framework for the orderly production of documents by the Government of Canada to the Commission.

### Establishment of Document Library

1. The Government of Canada will establish a Library ("Library") in accordance with the conditions set out in the present Agreement, into which it will place documents it produces to the Commission. The costs of establishing and maintaining the Library as described herein shall be borne by the Government of Canada.

### Document Production

2. Documents will be deemed to have been produced by the Government of Canada to the Commission upon receipt by the Commission of a written notice identifying with reasonable precision the document(s) produced and confirming that they have been filed in the Library, or have been delivered directly to the Commission at its premises in Montreal or at such other location as the Commission may designate from time to time.

### Establishing and maintaining a Library database

3. The Government of Canada shall be responsible for indexing documents, at the most detailed level reasonably possible in the circumstances, as they are placed in the Library and for maintaining an up-to-date database identifying documents produced to the Commission and their location within the Library.
4. The Library database shall contain minimally the following information, unless it cannot be determined:
  - the documents' location in the Library;
  - the source of the documents, with the greatest precision possible;
  - the persons responsible for the documents when the documents were created and when they were placed in the Library; and
  - document titles and dates.

5. The Government of Canada shall designate a manager responsible for the operations of the Library. In addition, the Government of Canada will designate an individual responsible for establishing and keeping the said database current.
6. The Commission shall have access to the database upon request. As well, the updated database shall be provided to the Commission at regular intervals or upon the Commission's request.

#### Ownership of documents

7. Documents in the Library shall remain the property of the Government of Canada. However, access to the Library shall be strictly limited in accordance with this Agreement and no document may be removed from the Library except in accordance with this Agreement.

#### Location of Library

8. The Library shall be located in the National Capital Region, and more specifically at Place du Portage, Phase III, 9C2, Gatineau, Québec.

#### Security

9. The Government of Canada shall be responsible for security of the Library and related premises. Security arrangements are set out in Annex A to this Agreement.

#### Library premises and the content

10. The Library shall be configured to provide ready access to documents stored therein.
11. The Library shall be equipped with one or more photocopy machines on the premises.

12. The Library shall contain a closed working space suitable for use by Commission staff and available to Commission staff upon demand.

Access to Library by the Commission

13. The Library shall be accessible to Commission staff, representatives, experts or other persons it may designate, during normal working hours. Upon 24-hours notice, or 36-hours notice for week-end access, the Government of Canada shall arrange for the Library to be accessible to the Commission outside normal working hours, seven days a week, twenty-four hours a day.
14. The Commission is entitled to request and receive copies of any document in the Library, as set out below.

Access to the Library by the Government of Canada

15. Authorized government employees shall be entitled to access the Library for the purpose of responding to access to information requests, and other operational requirements which are deemed reasonable and justified.
16. Access to the Library shall be granted to Carolyn Kobernick and Mtre Sylvain Lussier, Counsels to the Government of Canada, and government employees designated by them for purposes of Commission-related work.
17. Access shall also be provided to Mtre André Gauthier, Special Counsel for Financial Recovery, his staff and government employees designated by him for purposes of his inquiry.

Access by third parties

18. Access may be granted to authorized persons for purposes of police investigations.

Access by other persons

19. Other persons may be granted access to the Library with the consent of the Commission in response to a written request by the Government of Canada.

Copying Documents

20. Any person entitled to access the Library is entitled to make copies of the Library documents on the Library premises, subject to rules that the Government of Canada may wish to impose. However, the Commission's access to the documents and its right to obtain copies upon demand may not be restricted except as may be reasonably required to protect solicitor-client privilege or privileges under section 39 of the Canada Evidence Act.
21. The Government of Canada shall enter into a contract with a suitable firm, with appropriate security clearance, specializing in document reproduction ("**Copying Contract**"). The Copying Contract shall stipulate terms under which the designated firm ("**Copy Service Provider**") will copy documents located in the Library. The Contract shall include a confidentiality undertaking. The terms of the Copying Contract shall be subject to the prior approval of the Commission.
22. The Copying Contract shall stipulate that the Copy Service Provider shall be responsible for receiving documents to be copied and for their physical return to the Library or to authorized Library staff, in the same order and organization as when they were received.
23. Documents may only be removed from the Library for purposes of reproduction, at the request of the Manager of the Library or a person authorized by him or her for that purpose. The physical removal of the documents may only be done by the Copy Service Provider, in accordance with the terms of the Copying Contract, or by an employee of the Library designated by the Manager of the Library or his/her representative.

24. Any person entitled to access the Library who wishes to obtain copies of documents shall request the copies from the Manager of the Library who shall arrange for them to be copied on site or to be made by the Copy Service Provider.
25. No document may be removed from the Library without prior notice to the Commission. The Manager of the Library will endeavor to provide a minimum of 24-hours notice. The Commission may object to the timing of a document's removal if it anticipates that its proposed removal might interfere with the Commission's work.

#### Copies requested by the Commission

26. Where the Commission requests copies of documents, the Government of Canada will be responsible for promptly organizing their copying. The copies will be delivered to the Commission's premises in Montreal unless the Commission indicates another location for delivery.
27. Each page of the copy of the document shall bear a unique page number in accordance with an agreed pagination protocol. Should the Government of Canada choose to have the documents scanned, the scanned version shall be provided to the Commission in addition to the paper copies.
28. Unless scanned versions of the documents are also provided, the paper copies of documents shall be delivered to the Commission unstapled, with separators clearly separating document and with bundles (*liasses*) appropriately indicated.

#### Document tracking

29. The Government of Canada shall establish and implement, to the Commission's satisfaction, a system for documenting the removal of documents from the Library for copying and their return. A permanent record must be maintained of the documents removed,



the date and time of their removal and the date and time of their return, the name of the person(s) requesting copies and their affiliation, and the identity of the person(s) physically removing the documents.

Communication between Commission and the Government of Canada

30. All formal communication between the Commission and the Government of Canada regarding document production shall be by letter between the persons indicated below, unless either party advises of the change of the person responsible for the Communication.

31. Communication to the Commission shall be addressed to:

M<sup>r</sup> Gregory B. Bordan  
**Commission of Inquiry into the Sponsorship Program  
and Advertising Activities**  
Guy-Favreau Complex  
200 René-Lévesque Blvd. West  
East Tower, Suite 608  
Montreal, Quebec, H2Z 1X4  
Fax: (514) 283-8138

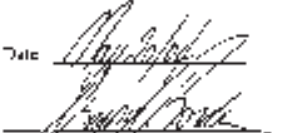
Communication to the Government of Canada shall be addressed to:

M<sup>r</sup> André Lespérance  
**Department of Justice**  
Guy-Favreau Complex  
200 René-Lévesque Blvd. West  
East Tower, 9th Floor  
Montreal, Quebec, H2Z 1X4  
Fax: (514) 283-3856

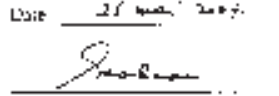
32. This agreement can be modified in writing with the consent of both parties.

SIGNED:

On behalf of the Commission of  
Inquiry:

Date 21 June 2007  
  
\_\_\_\_\_  
Gregory B. Binlan  
Chairman of the Commission

On behalf of the Government of  
Canada:

Date 21 June 2007  
  
\_\_\_\_\_  
Elisabeth Nadreau  
Assistant Deputy Minister, Public  
Works and Government Services  
Industry Liaison Office

PORTAGE III  
PHYSICAL SECURITY MEASURES FOR SPONSORSHIP INQUIRY

These measures were developed in accordance with the Government of Canada Security Policy, Chapter 2-2, Physical Security Standards.



Attachment A

1B3 Scanning Centre

3 passive infrared motion detectors  
Door contact for local alarm  
LCD keypad  
Medeco key system not keyed to master

15A2 Offices

3 passive infrared motion detectors  
LCD keypad  
Proximity card reader with electric strike  
Door contact for local alarm  
Medeco key system not keyed to master

Tower C Basement Records Centre:

7 passive infrared motion detectors  
Recessed door contacts for local alarm kit  
Proximity card reader with electric strike  
Intercom station ( 1 master and 2 substations)  
Door release (request to exit system)

4 dome mount vandal proof cameras  
Monitor with dedicated hard drive

Chain link fence with sliding gate  
Combination lock

9C2 Records Management Reading Centre:

4 passive infrared motion detectors  
Door contacts for local alarm  
Proximity card reader with electric strike  
LCD Keypad  
Medeco key system not keyed to master  
Cypher locks on both doors to photocopy area

Dutch door system between copy/file centre and rest of space  
Perimeter wall construction is slab to slab wire mesh with slab to T-bar drywall partition  
Meeting room is slab to slab drywall construction  
Doors to be equipped with non-removable hinge pins

Protected "B"

