

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 3325 / November 18, 2015

ADMINISTRATIVE PROCEEDING
File No. 3-16795

In the Matter of

JOSEPH J. FOX

PROTECTIVE ORDER

Respondent Joseph J. Fox and the Division of Enforcement jointly move for a protective order covering documents in the Division's investigative file that contain third parties' personally identifiable or sensitive financial information. I find that the harm resulting from the public disclosure of such information would outweigh any benefit of disclosure. *See* 17 C.F.R. § 201.322(b). Accordingly, the motion is GRANTED in part, as set forth below:

1. To the extent that the Division's investigative file in this matter includes documents that contain third parties' personally identifiable or sensitive financial information (confidential documents), the parties shall maintain the confidentiality of such confidential documents and not disclose them or the information contained therein to the public or third parties. Personally identifiable or sensitive financial information includes: a social security or taxpayer identification number; financial account number, including bank account, brokerage account, and investment account information; credit card or debit card number; passport number; driver's license number; state-issued identification number; home address or home telephone number of an individual; the name of any individual person known to be less than 18 years old; and date of birth; as well as any sensitive information about a third party's financial condition or medical history. It does not include the last four digits of a financial account number or phone number, the city and state of an individual's home address, the year of an individual's birth, or copies of unredacted filings by regulated entities or registrants that are available on the Commission's public website.

2. So long as the confidentiality is maintained, the confidential documents may be disclosed to the parties to this proceeding, legal counsel, and any trial teams, including experts and contractors; the undersigned; the Securities and Exchange Commission; and employees, staff, and agents of the Commission.

3. The parties shall take reasonable and appropriate measures to prevent unauthorized disclosure of the personally identifiable or sensitive financial information.

4. All persons who receive access to the confidential documents shall keep the information contained therein confidential, and shall not divulge such information to any person except as expressly authorized by this protective order or further order.

5. If a party intends to file the confidential documents in this proceeding or any appeal therefrom, the party must: a) file a version clearly labeled “under seal” pursuant to this protective order; and b) file a public redacted version removing all personally identifiable or sensitive financial information. If filing a public redacted version is impracticable or would result in a filing being almost entirely redacted, then the party shall file only the “under seal” filing, together with a copy of this protective order. In addition, if a party intends to make a filing (such as a brief or motion) that incorporates personally identifiable or sensitive financial information in the written text, the party must: 1) file a version clearly labeled “under seal,” with the information subject to this protective order noted by brackets, bold typeface, or some other clear indication; and 2) file a public redacted version that removes the information.

6. This protective order does not encompass documents that Fox did not obtain from the Division’s investigative file, such as documents that were already in his possession or documents that he obtained on his own. However, to the extent such documents contain personally identifiable or sensitive financial information, and Fox intends to file them in this administrative proceeding, he is encouraged to file them in accordance with paragraph 5 of this order.

7. To the extent material in the investigative file may not contain personally identifiable or sensitive financial information, but a party believes it should be considered confidential and subject to a protective order, that party must file a motion in accordance with Rule of Practice 322. *See* 17 C.F.R. § 201.322(a).

8. Any person requesting relief from, or modification of, this protective order may file an appropriate motion.

SO ORDERED.

Cameron Elliot
Administrative Law Judge