

# Exhibit 17



“Copernic” is defined by Plaintiff as including seven different entities, including Copernic, Inc., Mamma.com Inc., Intasys Corporation, Smartel Communications Corporation, Calltech Media Inc., Health Care Products Inc. and Quartet Management Ltd. In response to the Court’s September 22, 2010 Memorandum and Order, SEC personnel performed a new search to verify what records were available and could be searched or not searched as of January 30, 2009, when the original response to Plaintiff’s FOIA request was provided by the Commission.

4. SEC personnel are required to report their securities transactions. I am familiar with the Commission’s Conduct Regulations governing securities transactions by Commissioners and Commission employees, including reporting requirements that agency staff must follow before and after engaging in a securities transaction.

5. Prior to October 2009, all securities transactions by SEC employees were reported on Form 681 “Employee Report of Securities Transactions” (“Form 681”).

6. Every acquisition or sale of a security by an employee was required to be reported to OHR on Form 681 within five business days of the transaction or within five business days of the date confirmation of the transaction was received by the employee.

7. Form 681 required employees to disclose, among other things, the date of the transaction; the date confirmation of the transaction was received; the full name of the relevant security; the type of security that was traded; the name of the broker that executed the transaction; and the number of shares traded.

8. The data from some Form 681s were entered and recorded on an electronic Access database (“Form 681 Database”). This electronic database contains data from approximately 145,000 forms and represents a substantial subset of the data

recorded and maintained in the agency's Form 681 paper records.

9. The Form 681 Database includes nineteen fields of information for every form, including: employee social security number, the name of the security traded, the abbreviation of the security's name, the date of the trade, the number of shares traded, the name of the broker used, the dollar amount of the transaction, the date of the trade's confirmation, the date the security was originally purchased, the date the security was sold, and the security's stop loss order price.

10. The SEC's Office of Information Technology ("OIT") in coordination with OHR recently performed an electronic search of the Form 681 Database for the seven entities listed in Plaintiff's FOIA request, specifically: Copernic, Inc., Mamma.com Inc., Intasys Corporation, Smartel Communications Corporation, Calltech Media Inc., Health Care Products Inc. and Quartet Management Ltd.

11. SEC personnel used the following search terms to search the Form 681 Database with Microsoft Access software: (i) "Like("\*copernic\*"); (ii) "Like("\*mamma\*"); (iii) "Like("\*intasys\*"); (iv) "Like("\*smartel\*"); (v) "Like("\*calltech\*"); (vi) "Like("\*health\*") And Like("\*care\*") And Like("\*product\*"); and (vii) "Like("\*quartet\*").

12. By placing the above search terms (i.e., name of various businesses and entities) between asterisk marks, quotation marks, and a parentheses, preceded by the word "Like," the Form 681 Database was searched electronically using Microsoft Access software for any instance where those words appeared as a word or word fragment.

13. The electronic search of the SEC's Form 681 Database, and its 145,000

records, identified no responsive records or data.

14. In addition to the Form 681 Database, hard copies of all Form 681s of current and former SEC personnel are maintained in paper files for a period of six years. Currently, OHR maintains paper copies of employees' Form 681s going back to October 2004.

15. Paper Form 681s are organized and maintained in files alphabetically by employee surname; a separate file is maintained for each employee who has filed Form 681s with OHR. These paper files are not organized, categorized, or indexed by security.

16. Because the SEC's electronic Form 681 Database does not contain the data from all Form 681s filed by SEC personnel, and it is not clear which Form 681s are not contained in the electronic database, the only way to perform a comprehensive search of all Form 681 records in the agency's possession for specific securities, such as those relating to the seven entities identified in Plaintiff's FOIA Request No. 7, is to perform a manual page-by-page, line-by-line review of thousands of paper Form 681s, many of which are handwritten, filed by current and former SEC personnel during the past six years to ascertain which, if any, of these documents list the securities named in FOIA Request No. 7.

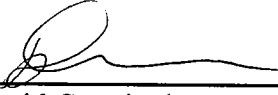
17. OHR's paper files containing Form 681s fill approximately 260 linear feet of cabinet space.

18. On October 12, 2010, SEC staff contacted plaintiff's counsel Lyle Roberts and inquired whether Plaintiff could narrow the scope of his request. SEC staff explained to Mr. Roberts that documents relating to SEC employees' securities

transactions are organized and maintained by the SEC alphabetically by employee surname. Plaintiff, however, declined to narrow the scope of this request.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 4, 2010 in Washington, D.C.

  
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David Cunningham  
Senior Human Resources Specialist  
Securities and Exchange Commission