

CANADIAN PAYMENTS ASSOCIATION
ASSOCIATION CANADIENNE DES PAIEMENTS

RULE E2

**EXCHANGE FOR THE PURPOSE OF CLEARING AND
SETTLEMENT OF ELECTRONIC ON-LINE PAYMENT ITEMS**

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Rule E2 – Exchange for the Purpose of Clearing and Settlement of Electronic On-line Payment Items

Implementation and Revisions

Implemented

February 3, 2005

Amendments Post-February 2005

1. Introduction of defined term “Connection Service Provider – On-line”, amendments to section 10 – Relationships to address Indirect Clearer use of “Connection Service Provider – On-line”, and amendments to section 18 to clarify effect of Approval, approved by the Board February 23, 2006, effective April 24, 2006.
2. Amendment to replace references to “General Manager” with “President”, consequential to amendments to the *Canadian Payments Act* (Bill C-37) that came into effect on March 1, 2010.
3. Amendments to reflect the removal of certain default procedures, consequential to amendments to By-law No. 3 – Payment Items and ACSS, which came into effect on August 17, 2012. Approved by the Board October 3, 2013, effective December 2, 2013.



Rule E2 - Exchange for the Purpose of Clearing and Settlement of Electronic On-line Payment Items

Introduction

1. This Rule sets out requirements for the Exchange, Clearing and Settlement of on-line, Real-time, electronic Payment Items (i.e. On-line Payment Items).

Inter-member Exchanges take place throughout the day via a series of interactive electronic messages. The obligations arising from the Inter-member Exchanges are settled as a credit transfer of funds.

While this Rule makes functional distinctions, it is recognized that one entity may play several roles in the context of a single On-line Payment Transaction. For example, the Acquirer and Acquirer FI may be one and the same financial institution or the Acquirer and Payee may be one and the same person. Further, this Rule does not preclude the establishment of agency relationships for the performance of particular functions, or Members performing functions on behalf of non-members provided such agents or non-members are required to comply with the applicable provisions of this Rule by agreement.

Scope

2. This Rule addresses Payment Items arising from individual transactions initiated by a Payor using an electronic device (e.g. personal computer, PDA), over an open communication network in an on-line Real-time environment, which results in a debit to a Payor's Account for the purpose of making payment for goods or services. These Payment Items involve verification of the Payor's identity (e.g., through the use of a user id and Secret Code) and on-line Real-time approval of the transaction, resulting in an obligation on the part of the Payor FI to settle for that Payment Item, thereby making all duly authorized Payment Items not subject to subsequent repudiation by the Payor or dishonour by the Payor FI. However, in the event an inquiry or complaint is raised by a Payor regarding whether an Item was duly authorized, this Rule also addresses returns and refunds and the procedures that apply.

References

3. (a) This Rule shall be read in conjunction with the following:
 - (i) CPA Rules Manual - Introduction
 - (ii) CPA Rule A1 - General Rules Pertaining to Items Acceptable for Exchange, for the purpose of Clearing and Settlement
 - (iii) CPA Rule B1 - Inter-Member Clearing at Regional Exchange Points
 - (iv) CPA Rule B2 - Manual Preparation of Cheque Clearing Logs
 - (v) CPA Rule D4 - Institution Numbers and Clearing Agency Arrangements
 - (vi) CPA Rule L1 - Procedures Pertaining to the Default of a Direct Clearer



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References (*cont'd*)

- (vii) CPA Rule L2 - Procedures Pertaining to the Default of an Indirect Clearer
- (b) Additional guidelines pertaining to other aspects of the Canadian On-line shared environment are contained in the following:
 - (i) Canadian Code of Practice for Consumer Protection in Electronic Commerce (The Working Group on Electronic Commerce and Consumers, January 16, 2004);
 - (ii) Electronic Authentication Principles (Industry Canada, November 2003 Rev);
 - (iii) Principles and Guidelines for Payments over Open Communication Networks (CPA, October 5, 2000); and
 - (iv) CPA Policy Statement on Consumer Dispute Resolution Practices in the Context of On-line Payment Items as Defined in CPA Rule E2 and the Canadian Code of Practice for Consumer Debit Card Services (Electronic Funds Transfer Working Group, 2004 Rev), as appropriate.

Definitions

4. In this Rule,

- (a) "Acceptance" means the informed, voluntary agreement by the Payor to the obligation to make payment by means of an On-line Payment Item;
- (b) "Acquirer" means a person who captures transaction data from the Payee for transmittal to the Acquirer FI to reconcile the credit payment instruction sent by the Payor's FI to the Acquirer FI;
- (c) "Acquirer FI" means the Member that holds the Acquirer's account, receives the payment information from the Acquirer and the credit payment instruction from the Payor's FI, for the benefit of the Payee;
- (d) "Approve, Approved, Approval" means the affirmative response by the Payor FI that Authentication and Authorization has occurred and the Payor FI agrees to honour the resulting On-line Payment Item;
- (e) "Authentication" means the techniques, procedures and processes used by the Payor FI to verify the identity of the Payor or the security attributes of the Payor (e.g. Secret Code);
- (f) "Authorization" means the on-line, Real-Time, techniques, procedures and processes used by the Payor FI to verify the consent of the Payor to the On-line Payment Transaction;
- (g) "Connection Service Provider – On-line" means an entity that connects directly to an On-line Payment Service on behalf of another entity;



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Definitions (*cont'd*)

- (h) "Delivering Direct Clearer" means a Direct Clearer that delivers On-line Payment Items to another Direct Clearer for the purpose of Clearing and Settlement;
- (i) "Electronic Device" means any electronic mechanism used by a Payor to initiate an On-line Payment Transaction;
- (j) "On-line Payment Item" means a Payment Item arising from an On-line Payment Transaction, consisting of a payment order initiated by a Payor and subsequent Authentication, Authorization and Approval by the Payor's FI, utilizing on-line Real-time interactive messages, which result in a debit or a credit to the Payor's Account;
- (k) "On-line Payment Service" means the network that facilitates On-line Payment Transactions;
- (l) "On-line Payment Transaction" means an electronic payment transaction, initiated over an Open Communication Network by a Payor using an electronic device and his/her Secret Code, which, if Approved, gives rise to an On-line Payment Item;
- (m) "Open Communication Network" means a communication infrastructure, technology and system that permit the processing and transmission of electronic messages or data in a manner that can be accessed and used by any person;
- (n) "Payee" means the person or entity who is offering goods and services through an URL, who has pre-registered with an On-line Payment Service and to whom the funds arising from an On-line Payment Item are to be paid;
- (o) "Payor" means a person who authorizes the Payor FI to issue an On-line Payment Item and whose account is to be, or has been, debited with the amount of the On-line Payment Item.
- (p) "Payor's Account" means an account, held by the Payor FI, where funds are standing at the disposal of the Payor;
- (q) "Payor FI" means the Member that holds the Payor's Account, controls issuance and verification of the Secret Code which is used to access that Payor's Account, and receives and responds to requests for Authentication, Authorization and Approval;
- (r) "Real-time" means, in the context of Authorization and Approval of an On-line Payment Transaction, immediate communication of requests for Authorization and Approval via on-line means;
- (s) "Receiving Direct Clearer" means a Direct Clearer that receives On-line Payment Items from another Direct Clearer for Settlement;
- (t) "Secret Code" (e.g., userid and password) means a method used by the Payor FI to uniquely identify the Payor and signify the Payor's consent to each On-line Payment Transaction;



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Definitions (*cont'd*)

- (u) "Single Factor Technique" means, in the context of Authentication, verification of the identity of a Payor or the security attributes of a Payor (e.g. Secret Code) by using something the Payor knows (e.g., password);
- (v) "Uniform Resource Locator or URL" means the character string used to describe the location and access method of a Payee website on the Internet; and
- (w) "Writing" or "in writing" means any mode of representing or reproducing words in visible form, and includes an electronic document, provided the document is under the control of the intended recipient, the information contained in the electronic document is substantially in the same form as a paper copy, and the information contained in the document is accessible if requested.

A) ROLES, RESPONSIBILITIES AND RELATIONSHIPS FOR ON-LINE PAYMENTS

Part A) of this Rule contains general rules pertaining to the roles, responsibilities and relationships applicable to the parties involved in the Exchange, Clearing and Settlement of On-line Payment Items.

General

5. (a) In all matters relating to the Exchange, Clearing and Settlement of On-line Payment Items for the purpose of Clearing and Settlement, each Member shall respect the privacy and confidentiality of Payor and Payee personal and financial information in accordance with applicable Canadian provincial and federal legislation governing the treatment of personal and financial information. In particular, only that information or data that is necessary to effect the processing of the On-line Payment Item is to be made available to the Acquirer and/or the Payee during the session. For greater clarity, the Payor's personal banking information, such as but not limited to the authentication information (e.g., user identification and password) and account balance, shall not be made available at any time to the Acquirer and/or Payee during the On-line Payment Transaction session.
- (b) Where a CPA Member Exchanges On-line Payment Items for the purpose of Clearing and Settlement, on behalf of a non-CPA Member Acquirer, that Member shall obtain a written undertaking from each such non-CPA Member for which it acts, to be bound by, adhere to and comply with the requirements of this Rule.
- (c) Each Member shall be responsible and liable for every On-line Payment Item, and every item purporting to be an On-line Payment Item, that it delivers and shall indemnify the Association and its Members for any direct loss, costs or damages incurred by virtue of the Exchange of that Item for the purpose of Clearing and Settlement.

Acquirer FI Responsibilities

6. Each Member that functions as an Acquirer FI in an On-line Payment Service is responsible for the following:
 - (a) registering with the On-line Payment Service;
 - (b) ensuring each Acquirer for which it acts is registered with the On-line Payment Service;



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Acquirer FI Responsibilities (*cont'd*)

- (c) entering into an agreement with each Acquirer whereby the Acquirer agrees, in all respects, to comply with the following:
 - (i) all CPA By-laws and Rules, including in particular Rule E2, and any CPA Standards that may be applicable;
 - (ii) to ensure that the On-line Payment Service has adequate information about each Payee for which it acts;
 - (iii) to enter into an agreement with each Payee for which it acts, whereby the Payee agrees, in all respects, to:
 - comply with all applicable CPA By-laws and Rules, including in particular Rule E2, and any CPA Standards that may be applicable;
 - disclose to Payors its policies regarding security, privacy, returns and reimbursements;
 - employ security measures and controls for its website that are consistent with current industry standards to protect the privacy and confidentiality of the On-line Payment Transaction and any information provided by the Payor; and
 - (iv) to immediately begin an investigation to determine what action should be taken to remedy a situation where the Acquirer becomes aware that there is reasonable evidence or suspicion that the Payee is involved in suspicious on-line activity, or the Payee is not complying with this Rule. Such action may require the Payee to amend its operating practices or, if required, a suspension of the clearing services for the Payee;
 - (d) acquiring, Exchanging, Clearing and Settling On-line Payment Items for the Acquirer and its Payees;
 - (e) where the Acquirer FI is not the Payee's financial institution, holding the funds in a segregated account such that the funds are legally protected for the benefit of and subsequent payment to the Payee; and
 - (f) where, in any instance, the Acquirer FI becomes aware that there is reasonable evidence or suspicion that a Payee is involved in suspicious on-line activity, or the Payee is not complying with this Rule, the Acquirer FI shall immediately begin an investigation to determine what action should be taken to remedy the situation. Such action may require the Payee to amend its operating practices or, if required, a suspension of the clearing services for the Payee.
7. (a) Where an Acquirer FI also functions as an Acquirer or the Acquirer and Payee are one and the same, the responsibilities with respect to Acquirers and Payees as set out in section 6 apply as applicable; and
- (b) Where an Acquirer uses an agent, such as but not limited to a reseller or aggregator, to register Payees the Acquirer FI shall ensure the Acquirer is party to the agreement

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between the agent and the Payee and that all parties are complying with the requirements set out in this Rule and section 6 in particular.

Payor FI Responsibilities

8. Each Member that functions as a Payor FI in an On-line Payment Service is responsible for the following:
 - (a) registering with the On-line Payment Service;
 - (b) entering into an agreement with the On-line Payment Service whereby the On-line Payment Service agrees, in all respects, to
 - (i) comply with all applicable CPA By-laws and Rules, including in particular Rule E2, and any CPA Standards that may be applicable; and
 - (ii) employ security measures and controls for its Service that are consistent with current industry standards to protect the privacy and confidentiality of the On-line Payment Transaction and any information provided by the Payor and Payee;
 - (c) conducting Authentication, Authorization, and Approval for its customers who are Payors in an On-line Payment Transaction. Authentication, Authorization and Approval shall be conducted in an on-line Real-time environment. Once Approval has occurred, the Payor's FI shall honour, Exchange, and effect Settlement for the resulting On-line Payment Item. In the event that there is a failure in the Payor FI's Authentication technology and/or its security controls and policies, the Payor FI is liable to the Payor and Members, as applicable, for any unauthorized On-line Payment Transactions; and
 - (d) disclosing to its Payors the policies and procedures available to them for verifying the validity of an On-line Payment Item and for investigating disputes and the expected timing for resolving such disputes.

Registration

9. Acquirer FIs participating in an On-line Payment Service shall exercise due diligence and "know your customer" principles to ensure that only Acquirers in good standing are registered with the On-line Payment Service and, in turn, that Acquirers are exercising the same due diligence when signing up Payees. At a minimum, the following information shall be captured:
 - (a) the full legal name and address of Acquirers and Payees;
 - (b) the type of business being offered by the Acquirers and Payees;
 - (c) the length of time that the Acquirers and Payees have been operating in their business;
 - (d) the URL(s) of the Payees; and
 - (e) any other information that will help identify Acquirers and Payees and the type of business in which they are engaged.



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Relationships

10. (a) Where an Indirect Clearer uses a Connection Service Provider – On-line to process its On-line Payment Transactions in an On-line Payment Service, that Indirect Clearer shall ensure that a clearing arrangement and settlement account is established in accordance with Rule D3.
- (b) For greater certainty, the establishment of an arrangement solely between an Indirect Clearer and a Connection Service Provider – On-line does not fulfil the requirement of section 16 of By-law No. 3 and Rule D3.
- (c) Every Indirect Clearer shall give written notice to the President of its clearing arrangement(s) for On-line Payment Items in accordance with Rule D3.
- (d) A Direct Clearer that acts as a Representative for another Direct Clearer, shall give notice of this arrangement to the President.
- (e) Each Direct Clearer that acts as a Representative making entries into the ACSS in respect of On-line Payment Items on behalf of another Direct Clearer as a result of that Direct Clearer employing the services of a Connection Service Provider – On-line shall use the Institution Number of the Direct Clearer for which it is acting.
- (f) The relationships referred to in subsections (a) and (d) shall be recorded in Rule D4.
- (g) A Member may Exchange On-line Payment Items, for the purpose of Clearing and Settlement, for a non-CPA member but is responsible and liable for those transactions as if they were their own.

B) GENERAL RULES FOR ON-LINE PAYMENT PROCESSING

Part B) of this Rule contains general rules applicable to the processing of On-line Payment Transactions and the Exchange of On-line Payment Items.

Initiation of On-line Payment Transaction

11. An On-line Payment Transaction is initiated when the Payor:
 - (a) establishes an on-line, Real-time communication with the Payee by accessing the Payee's URL(s);
 - (b) purchases goods or services at the Payee's URL(s); and
 - (c) chooses to make payment for the goods or services using an On-line Payment Transaction.
12. During the On-line Payment Transaction session, the Payor shall:
 - (a) have the ability to make corrections while entering instructions at the Payee's URL(s) relating to the On-line Payment Transaction;



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- (b) have the total amount of the On-line Payment Transaction to be debited from the Payor's account clearly displayed and verified by the Payor prior to being sent for Authentication and Authorization;
- (c) have the ability to cancel the On-line Payment Transaction at any point prior to Authentication and Authorization. Such cancellation shall terminate the Transaction; and
- (d) have the disposition of each On-line Payment Transaction in terms of Approval or denial communicated to the Payor.

Routing to Payor's FI

13. The Payor shall be securely routed to the Payor's FI through the On-line Payment Service.

Authentication, Authorization

14. The Payor's FI shall conduct Authentication and Authorization using current industry standards and at a minimum SSL 128-bit RC4 encryption technology prior to processing On-line Payment Transactions to the Payor's Account.
15. The Payor's FI shall, as a minimum, use a Single Factor Technique (e.g., user id and password) for Authentication.
16. The Payor's FI shall, in the event of a breach of security during an On-line Payment Transaction or timing out of an on-line session recommence Authentication and Authorization to ensure the integrity of the On-line Payment Transaction.
17. (a) Authorization shall only be conducted if the Payor's FI has successfully completed Authentication.
- (b) Prior to completing Authorization the following information shall be provided by the Payor's FI to the Payor for verification or correction:
- (i) the total amount of the On-line Payment Transaction; and
 - (ii) the identity of the Payee.
- (c) Prior to completing Authorization, the Payor shall be given the option to accept or decline the On-line Payment Transaction, at the same time that the information of subsection (b) has been provided.
- (d) The Payor's FI shall not proceed with the Approval of the On-line Payment Transaction if the Payor declines in accordance with subsection (c).

Approval

18. Upon receipt of the Payor's payment instructions, the Payor FI shall decide in Real-time whether or not to Approve the On-line Payment Transaction.



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Effect of Approval

19. (a) Upon Approval, the Payor's FI is deemed to have accepted the On-line Payment Transaction which shall give rise to an On-line Payment Item, which shall create an obligation on the part of the Payor FI to settle for that Item.
- (b) Where the Payor FI is a Direct Clearer it shall settle with the Delivering Direct Clearer.
- (c) Where the Payor FI is an Indirect Clearer, it shall settle with the Receiving Direct Clearer. The Receiving Direct Clearer is the obliged to settle for that Payment Item with the Delivering Direct Clearer.
- (d) For greater certainty, where the Payor FI is an Indirect Clearer that uses a Connection Service Provider – On-line, the Payor FI shall settle with the Receiving Direct Clearer which is one of its designated Clearing Agents for On-line Payment Items. That Receiving Direct Clearer is then obliged to settle for that Payment Item with the Delivering Direct Clearer.

Notification of Status of On-line Payment Transaction

20. Once the On-line Payment Transaction is Approved or declined, the Payor FI shall be responsible for ensuring the Payor is notified of the status of the On-line Payment Transaction by indicating if the Transaction was Approved or declined.
21. If Approved, the Payor FI shall ensure the Payee is notified, through the Acquirer or On-line Payment Service if applicable, of the unique On-line Payment Item identifier that identifies the Payor and Payor FI.

Confirmation of Approved On-line Payment Transaction

22. Immediately upon the Payee receiving the unique On-line Payment Item identifier, the Acquirer FI, through the Acquirer or the On-line Payment Service if applicable, shall be responsible for ensuring that the Payee provides the Payor with confirmation of the following:
 - (a) the total amount of the On-line Payment Transaction;
 - (b) the name of the Payee; and
 - (c) the unique On-line Payment Item identifier provided by the Payor FI.

Processing of On-line Payment Items

23. All Members participating in an On-line Payment Service shall adhere to the following when processing On-line Payment Items,
 - (a) all On-line Payment Items shall be processed in electronic format only;
 - (b) current industry security standards shall be followed to ensure the integrity of any payment and personal data exchanged on-line and stored; and
 - (c) an On-line Payment Item is deemed to have been delivered to the Payor's FI when the Payor FI receives the electronic message containing the instructions of the Payor to



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make payment to the Payee and Approves the On-line Payment Item. As between Members, this Exchange of electronic messages constitutes delivery and acceptance of the payment order for the electronic transfer of funds between the Payor and Payee.

Subsequent Dishonour

24. An On-line Payment Item may not be dishonoured. As such, CPA Rule A4 – *Returned and Redirected Items* does not apply to On-line Payment Items.

Reconciliation

25. Each Member shall maintain sufficient internal records of On-line Payment Items to determine and confirm that the amounts, due to and from other CPA Members, calculated by the ACSS, are correct. Errors in On-line Payment Item deliveries entered into the ACSS may be contested and corrected in the manner provided for in Rule B1.

Settlement

26. CPA Rule B1 – *Inter-member Clearing at Regional Exchange Points* and CPA Rule B2 - *Manual Preparation of Cheque Clearing Logs* apply to the Clearing of On-line Payment Items through the ACSS. In particular,
- (a) All Entries into the ACSS in respect of On-line Payment Items shall be made in the National Electronic Settlement Region using the *On-line - Credit Payment* (J) and *On-line Payment Refund* (K) stream identifiers.
 - (b) ACSS entries shall be made in accordance with ACSS procedures and shall be made as soon as possible and no later than the ACSS closing time applicable to the Business Day following Approval.
 - (c) Such entries shall be made in a manner that reflects both the volume and value involved.
 - (d) ACSS entries using the stream identifier “J” or “K” shall include the appropriate On-line Identifier where the entries are in respect of On-line Payment Items involving:
 - (i) Connection Service Provider – On-line who is a non-CPA Member; or
 - (ii) a CPA Member with multiple direct connections to an On-line Payment Service.
 - (e) Errors in ACSS entries may be contested and corrected in the manner provided for within the ACSS procedures. Refer to CPA Rule B1 – *Inter-member Clearing at Regional Exchange Points*.

Audit Trail, Tracing

27. Each Member participating in an On-line Payment Service must maintain an audit trail of each On-line Payment Transaction for a minimum period of 12 months that contains the information necessary for tracing requests. Each Member that is involved in the Exchange of an On-line Payment Item for the purpose of Clearing and Settlement shall trace the disposition of that Payment Item, if so requested by another Member. Each trace request shall contain the following information:



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- (i) the unique On-line Payment Item identifier that identifies the Payor and the Payor FI;
- (ii) local transaction time, if available;
- (iii) total transaction amount; and
- (iv) Payee identification.

Return/Refund

28. Where a Payor is to be refunded the amount of an On-line Payment Item by the Payee or the amount of the On-line Payment Item is to be returned to the Payor, the Acquirer FI shall process the return or refund by using the unique transaction number affixed to the On-line Payment Transaction and entering an On-line Payment Item into the ACSS On-line Payment Refund stream (K).

C) PAYOR INQUIRIES/COMPLAINTS

Part C) of this Rule contains the procedures that shall apply to each Member involved in the Exchange, Clearing or Settlement of On-line Payment Items in the event a Payor claims that an Approved On-line Payment Transaction, purportedly voluntarily initiated by the Payor that gave rise to an On-line Payment Item, was actually initiated as a result of fraud, or theft or was coerced by trickery, force or intimidation. None of the procedures outlined below preclude a party to an On-line Payment Item from exercising its rights and seeking recourse outside of the Rules.

Payor FI Responsibilities

29. Payor FIs shall have clear, timely procedures for dealing with Payor claims, which shall include:
- (a) procedures to investigate the claim; and
 - (b) provisions for review of claims at a senior level within their institution.
30. When a Payor contacts their Payor FI with a claim, the Payor FI shall inform the Payor of the following:
- (a) that the Payor FI will investigate the On-line Payment Item(s) in question;
 - (b) that a determination regarding any reimbursement will stem from the investigation;
 - (c) that the Payor FI will respond to the Payor's claim as soon as possible, but no later than 10 Business Days; and
 - (d) that, during the investigation, the Payor FI may require a statement or affidavit from the Payor, or request information from another Member, which may result in the temporary suspension of the 10 Business Day time limit, until the requested information is received.



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Member Responsibilities During Investigation

31. Each Member contacted by the Payor FI during the course of an investigation shall assist in the investigation and, if requested, trace the disposition of the On-line Payment Item(s) in question as soon as possible in accordance with section 27.

