



SUBJECT MATTER:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

File No.: \_\_\_\_\_

**DECLARATION AND UNDERTAKING**

**Officers and Employees of the Office of the Commissioner of Competition—Government Expert**

I, \_\_\_\_\_, act as expert on behalf of the Commissioner of Competition pursuant to paragraph 45(5)(a) of the *Canadian International Trade Tribunal Act*.

In this capacity, I request access to the confidential information in the record of the proceeding.

**DECLARATION**

I hereby declare that

- (a) I am ordinarily resident in Canada;
- (b) I have read and understand subsection 45(3) of the *Canadian International Trade Tribunal Act* relating to the non-disclosure of information that is in its nature confidential.

**UNDERTAKING**

I hereby undertake

- (a) to use the information disclosed under the conditions of this Undertaking exclusively for duties performed in respect of the subject proceeding;
- (b) not to divulge information disclosed under the conditions of this Undertaking except to a person granted access to such information or to personnel of the Canadian International Trade Tribunal;
- (c) not to reproduce, in any manner, information disclosed under the conditions of this Undertaking without prior written approval by the Canadian International Trade Tribunal;
- (d) to keep confidential and to protect the information disclosed under the conditions of this Undertaking in the following manner, namely,
  - (i) I will keep in my office or under my control, at all times, the complete set of documents made available to me under the conditions of this Undertaking, and
  - (ii) I will store all documents and materials containing information disclosed under the conditions of this Undertaking in a locked vault, safe or other secure storage device when the documents and materials are not being used;

- (iii) I will work on a stand alone or laptop computer that is not connected to any computer network or accessible in any manner through another computer or other means;
- (e) to return to the Secretary, under the direction of the Secretary, all documents and materials containing information disclosed under the conditions of this Undertaking, including notes, charts and memoranda based on such information, or to destroy such documents and materials and to file with the Secretary a certificate of destruction pertaining to the destroyed documents and materials at the end of the proceeding or within 10 days after the end of my participation in the proceeding;
- (f) at the same time, I will erase all confidential information saved on the laptop or stand alone computer and so confirm in writing with the Tribunal,
- (g) if the party that I represent files a Notice of Change of Counsel of Record, within 10 days after the filing of that Notice,
  - (i) to return to the Secretary, under the direction of the Secretary, all documents and materials containing information disclosed under the conditions of this Undertaking, including notes, charts and memoranda based on such information,
  - (ii) to destroy such documents and materials and to file with the Secretary a certificate of destruction pertaining to such destroyed documents and materials, or
  - (iii) to entrust such documents and materials to the new counsel who is replacing me in the proceeding, who has signed a Declaration and Undertaking and who has been granted access to such information;
- (h) to report promptly to the Canadian International Trade Tribunal any violation of a Declaration and Undertaking; and
- (i) to inform the Canadian International Trade Tribunal immediately of any changes in the facts referred to in this Undertaking.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

Signature: \_\_\_\_\_

Name (*Print*): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_