



SUBJECT MATTER: _____

File No.: _____

DECLARATION AND UNDERTAKING

Counsel and Consultant

I, _____, act as counsel of record for

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 am not a director, servant or employee of a party to the proceeding for which I act or of any other person known by me to be a party in the proceeding; and
- (c) I have read and understand subsection 45 to 49 of the *Canadian International Trade Tribunal Act*.

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 (the Tribunal);
- (c) not to reproduce, in any manner, information disclosed under the conditions of this undertaking without prior written approval by the Tribunal, with the exception of documents that are printed directly from any electronic media issued by the Tribunal under the condition that they be destroyed in accordance with clause (f) below;
- (d) not to copy to a computer, storage device or shared repository any information disclosed under the conditions of this undertaking and contained on any electronic media issued by the Tribunal, without prior written approval by the Tribunal;

- (e) to keep confidential and to protect the information disclosed under the conditions of this undertaking in the following manner:
- (1) except in the context of a hearing before the Tribunal, I will keep the following in my office or under my control, at all times:
 - the complete set of documents provided to me by the Tribunal;
 - the complete set of documents that I have printed from any electronic media issued by the Tribunal; and
 - any electronic media device issued by the Tribunal and made available to me under the conditions of this undertaking;
 - (2) I will store in a locked vault, safe or other secure storage device all documents and electronic media issued by the Tribunal and containing information disclosed to me under the conditions of this undertaking when these documents and/or electronic media are not being used;
 - (3) I will retain the hard copy of confidential material and any electronic media issued by the Tribunal and provided to me under the terms of this undertaking until the appeal or judicial review period is exhausted; and
 - (4) where I am provided with electronic media issued by the Tribunal, I will not divulge any access passwords;
- (f) to destroy all documents containing information disclosed under the conditions of this undertaking, including notes, charts and memoranda based on such information and to file with the Secretary a certificate of destruction pertaining to the destroyed documents within 10 days of the close of any appeal or judicial review period or within 10 days of the end of my participation in any judicial review or appeal of the Tribunal's decision to a higher court;
- (g) to return to the Secretary by courier or hand delivery, at the request and under the direction of the Secretary, all electronic media issued by the Tribunal, within 10 days of the date of a final judgment of any higher court in respect of any appeal or judicial review or within 10 days of the end of my participation in such proceedings;
- (h) if the party that I represent files a notice of change of counsel of record, within 10 days after the filing of that notice,
- (1) to destroy all documents disclosed under the conditions of this undertaking and to file with the Secretary a certificate of destruction pertaining to such documents;
 - (2) upon consent from the Tribunal, to entrust such documents to any counsel replacing me in the proceedings who has signed a declaration and undertaking and has been granted access to such information; and
 - (3) to return to the Secretary, by courier or hand delivery, all electronic media issued by the Tribunal.
- (i) to report promptly to the Tribunal any violation of a declaration and undertaking; and
- (j) to inform the Tribunal of any changes in the facts referred to in this Declaration and Undertaking.

I hereby acknowledge that the confidential material provided to me under the conditions of this undertaking is required by law to be treated confidentially during any appeal or judicial review proceedings that may arise and after final judgment.

Dated at _____ this _____ day of _____ 20__.

Signature: _____

Name (*Print*): _____

Address: _____

Telephone: _____

Facsimile: _____

E-mail: _____