

APPENDIX 29A-b
Confidential Information

1. A Party shall identify confidential information by:
 - (a) clearly marking information recorded in paper and electronic form with the notation “CONFIDENTIAL INFORMATION” on the cover page of the document and on each page where confidential information appears, and by enclosing the confidential information in double square brackets;
 - (b) clearly marking information recorded in an electronic file which is used to store an electronic document, with the notation “CONFIDENTIAL INFORMATION” in the name of the electronic file and in any electronic transmission of the information and clearly annotating the information where it appears in the electronic document that is stored on the electronic file as described in subparagraph (a); and
 - (c) prior to its disclosure, declaring oral information to be “CONFIDENTIAL INFORMATION”.
2. If a Party submits confidential information first submitted by the other Party, it shall identify that information as confidential information by:
 - (a) clearly marking information recorded in an electronic file with the notation “CONFIDENTIAL INFORMATION” in the name of the electronic file and in any electronic transmission of the information and clearly annotating the information where it appears in the files with the notation “CONFIDENTIAL INFORMATION”, and by enclosing the confidential information in the electronic transmission in double square brackets, and with the name of the other Party that first submitted the information; and
 - (b) prior to its disclosure, declaring oral information to be “CONFIDENTIAL INFORMATION” and identifying the other Party that first submitted the information.
3. An approved person shall take all necessary precautions to safeguard confidential information when a document containing the confidential information is in use or being stored. Each approved person must sign and submit to the panel the Declaration of Non-Disclosure set out in Appendix 29A-c (Declaration of Non-Disclosure).
4. Only approved persons may view or hear confidential information. No approved person who views or hears confidential information may disclose it, or allow it to be disclosed, to any individual other than another approved person.
5. An approved person who views or hears confidential information shall only use that information for the purposes of the proceeding.
6. The panel shall not disclose confidential information in its report, but may state conclusions drawn from that information in a way that does not disclose the confidential information.

7. After the conclusion of the proceeding, each Party shall, in accordance with its domestic law:
 - (a) destroy any confidential information provided by the other Party, and promptly notify the other Party when the confidential information has been destroyed;
 - (b) return any confidential information to the Party that first submitted the confidential information, unless that Party agrees otherwise; or
 - (c) maintain the confidentiality of any such information.
8. The panel may, with the consent of the Parties, modify or waive any part of the procedures set out in this Appendix for treatment of confidential information. In that case, each approved person must sign and submit to the panel a modified Declaration of Non-Disclosure, as appropriate.