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Maintaining Confidentiality of Documents

The policy underlying the following approach is to maintain the confidentiality of documents, while at the same time allowing our sides to develop negotiation positions and communicate internally and with each other.

First, we agree that documents relating to the proposed Anti-Counterfeiting Trade Agreement (ACTA) will be held in confidence. This means that the documents may be given only to government officials or persons outside government who participate in the party's domestic consultation process and have a need to review or be advised of the information in these documents. Anyone given access to the documents will be alerted that they cannot share the documents with people not authorized to see them. The United States plans to hold ACTA documents in confidence for a fixed period of time after negotiations conclude.

Second, while ACTA documents are confidential, we may mail, e-mail, fax, or discuss these documents over unsecured lines with the two groups of people mentioned above (i.e., government offices and persons with a "need to know"). We may also store these documents in a locked file cabinet or within a secured building; that is, the documents do not need to be stored in safes. We can also create and store these documents on unclassified computer systems.

Third, all parties will mark the documents they create in a manner that makes clear that the documents will be held in confidence. The United States plans to mark documents generated by us as "Confidential, Foreign Government Information – Modified Handling Authorized" and include a brief instruction following the marking on how the documents will be handled.