

Appendix "A"

Desmond Fatality Inquiry Confidentiality Undertaking for Counsel

For the purpose of this undertaking, the word "document" is intended to have a broad meaning and includes any and all documents and information in connection with the proceedings of the Inquiry including, without limitation, all records, files, audio recordings, audio-videotape recordings, communications, correspondence, notes, medical records, charts, data, memoranda, statements, reports, e-mail, text, cellular or social media messaging, digital reproductions, photographs, films, slides, maps, graphs, microfiche, metadata and any data and information recorded or stored by means of any device and any other information pertaining to the Inquiry, stored in any manner, including in written, electronic or digital form, irrespective of whether such document has been identified as confidential.

I, _____, undertake to the Presiding Judge of the Desmond Inquiry (the Inquiry) that any and all documents that are produced to me by the Inquiry will not be used by me for any purpose other than these proceedings. I further undertake that I will only disclose any documents or the contents of them to those for whom I act, to witnesses or potential witnesses (and their counsel), or to an expert retained for the purposes of this Inquiry. In respect of those individuals, I further undertake that I will only disclose such documents or the contents of any such documents upon receiving from the individual in question a duly executed written undertaking in the form attached as Appendix "B" to these Rules.

I understand that under no circumstances shall I give anyone, including, without limitation, those providing instruction or those whom I consult, access to any database from which I access documents related to the Inquiry.

I acknowledge that in accessing any database established by the Inquiry that the documents herein are provided by and with the consent of the Presiding Judge of the Provincial Court in order to facilitate the parties' participation in the Inquiry on the explicit understanding that their possession by any public body, government institution, municipality, or an official thereof, does not constitute custody or control for the purposes of access to information legislation.

I understand that this undertaking has no force or effect with respect to any document that has been entered into evidence at the Inquiry, or to the extent that the Presiding Judge has provided me with a written release from this undertaking with respect to any document. For greater certainty, a document is only entered into evidence at the Inquiry when the document is made an exhibit at the Inquiry.

With respect to documents that remain subject to this undertaking at the end of the Inquiry, I undertake to either destroy the documents and provide a certificate of destruction to the Inquiry, or to return the documents to the Inquiry for destruction. I further undertake to collect for destruction such documents from anyone to whom I have disclosed any documents that were produced to me in connection with the Inquiry's proceedings. I undertake to delete all electronic copies of documents and confirm to the Inquiry in writing when that is completed.

I understand that a breach of any of the provisions of this undertaking is a breach of an order made by the Inquiry.

Date: _____

Signature: _____

Witness: _____