

Appendix "B"

Desmond Fatality Inquiry Confidentiality Undertaking for Parties, Potential Witnesses and Experts

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 in connection with the Inquiry's proceedings will not be used by me for any purpose other than these proceedings. I further undertake that I will not disclose any such documents or the contents of any documents to anyone.

I acknowledge that any and all documents that are obtained from any database established by the Inquiry 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 purpose 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 further understand that such documents will be collected from me by the counsel who provided them to me or by Inquiry Counsel and upon request I undertake to surrender all copies and delete all electronic copies of documents and confirm in writing that I have done so.

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: _____