**Confidentiality undertaking form (Form RP5)**

**Rule 001: *Rules of Practice***

**Required form for a recipient of confidential information under Section 30 of Rule 001**

[insert name of applicant]

[insert subject matter/title of application]

Proceeding [insert proceeding number]

To: Alberta Utilities Commission

And to: [insert name of party who obtained confidentiality order]

Whereas[insert name of party who obtained confidentiality order] (grantee) applied to the Commission under Section 30 of Rule 001: *Rules of* *Practice* for confidential treatment of certain records, reports, documents or information in connection with Proceeding [insert proceeding number] (the original proceeding);

And whereasthe Commission in its ruling dated [insert date of ruling] (ruling) granted the grantee confidential treatment of certain information (the confidential information) in whatever form it may appear, including Commission rulings or Commission decisions;

And whereas[insert name of recipient](recipient), who is a party to, or is acting on behalf of a party, in the original proceeding, wishes to be granted access to the confidential information for the purpose of participating in the original proceeding;

And whereas the Commission may, in the decision it issues in respect to the original proceeding, direct the applicant to file one or more compliance applications related to the original proceeding (associated compliance application proceeding(s));

Now therefore, in consideration of receiving access to the confidential information, the recipient agrees and undertakes as follows:

* + - 1. I have read the ruling and agree to observe its terms and conditions as they relate to the access, use and protection of the confidential information.
      2. I will only use the confidential information and all evidence, transcripts, notes, working papers, calculations, analysis, Commission rulings, Commission decisions or other materials based on or using the confidential information that I receive, review or prepare (related materials) during the course of the original proceeding or associated compliance application proceeding or any appeal, review or rehearing of the Commission’s decision in the original proceeding or a decision in an associated compliance application proceeding, for the purpose of participating in each such proceeding, review, appeal or rehearing.
      3. I will maintain all of the confidential information and related materials in confidence. I will not disclose the confidential information or related materials to any person except to the Commission or to a person who is authorized by the Commission to receive access to the confidential information and who has executed and filed with the Commission an undertaking, unless otherwise required by law, in which case, I will promptly give written notice to the Commission and the grantee that such disclosure has been required.
      4. I will not copy the confidential information or related materials except in connection with the uses authorized herein.
      5. I will use all reasonable and necessary efforts to safeguard the confidential information and related materials from any unauthorized disclosure or use.
      6. I shall save harmless and indemnify the Commission from and against all claims, actions, proceedings, demands, losses, damages, costs, and expenses which may be brought against the Commission or which the Commission may suffer, sustain, pay or incur, resulting from, or arising in connection with, the unauthorized use or disclosure by myself of the confidential information or the related materials.
      7. Subject to paragraphs 11 and 12, within 30 days of the expiration of any appeal or review period of the Commission’s decision in respect of the original proceeding , or any Commission decision in respect of any associated compliance application proceeding, unless otherwise directed by the Commission, I will:

a) Expunge all electronic copies of the confidential information and related materials from all electronic apparatus and data storage media in my possession and under my direction and control;

b) Deliver to the grantee or destroy all paper copies of the confidential information and related materials in my possession or under my direction and control; and

c) Provide an executed statutory declarationin the form attached to both the Commission and to the grantee.

1. I will promptly report any violation of mine of this undertaking to the Commission and to the grantee and shall take all reasonable steps to retract any unauthorized disclosure and report such activities to the Commission and to the grantee.

1. I acknowledge that a breach of the terms of the ruling or this undertaking may, with notice, be the subject of contempt proceedings in the Alberta Court of King’s Bench.
2. I agree that no failure or delay in exercising any right or privilege in respect of a breach of this undertaking or of the ruling, shall operate as a waiver.
3. In the event that any Commission decision in respect of the proceeding or any Commission decision in respect of an associated compliance application proceeding is the subject of a review application pursuant to Section 10 of the *Alberta Utilities Commission Act* and AUC Rule 016: *Review of Commission Decisions*:
   * + 1. I will, within 30 days following the release of the Commission’s final disposition of any review application;
4. Expunge all electronic copies of the confidential information and related materials from all electronic apparatus and data storage media in my possession and under my direction and control;
5. Deliver to the grantee or destroy all paper copies of the confidential information and related materials in my possession or under my direction and control; and
6. Provide an executed statutory declarationin the form attached to both the Commission and to the grantee.
7. In the event that any Commission decision in respect of the proceeding or any Commission decision in respect of an associated compliance application proceeding is the subject of a permission to appeal application or appeal;
   * + 1. The confidential information and related materials remain confidential and remain subject to the ruling of the Commission except to the extent that a court of competent jurisdiction grants any contrary order with respect to the confidential information or related materials;
       2. I will, unless otherwise directed by a court of competent jurisdiction, within 30 days following the release of a final decision disposing of the appeal (a decision dismissing the application for permission to appeal or a final decision on appeal):

Expunge all electronic copies of the confidential information and related materials from all electronic apparatus and data storage media in my possession and under my direction and control;

Deliver to the grantee or destroy all paper copies of the confidential information and related materials in my possession or under my direction and control; and

Provide an executed statutory declarationin the form attached to both the Commission and to the grantee.

Made at , , this day of , 20\_\_\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Recipient signature Witness name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Witness signature

**Statutory declaration of recipient**

**Rule 001: Rules of Practice**

**Required form for a recipient of personal information upon the destruction of confidential information provided under Section 30 of Rule 001**

[insert name of applicant]

[insert subject matter / title of application]

Original Proceeding [insert proceeding number]

Compliance Proceeding(s) [insert proceeding numbers of associated compliance application proceeding(s)]

To: Alberta Utilities Commission

And to: [insert name of party who obtained confidentiality order]

I, [insert name of recipient] of , do solemnly declare as follows:

1. I had in my possession and under my direction and control information granted confidential treatment (confidential information) by the Commission in its ruling dated [insert date of ruling] (ruling) in Proceeding [insert proceeding number] (original proceeding) pursuant to Section 30 of Rule 001: *Rules of Practice*, and had in my possession and under my direction and control evidence, transcripts, notes, working papers, calculations, analysis, Commission ruling, Commission decisions, or other materials based on or using the confidential information that I received, reviewed or prepared in the original proceeding and in any associated compliance application proceeding(s) (related materials)*.*
2. I executed an undertaking in accordance with the ruling and Section 30 of Rule 001: *Rules of Practice* (undertaking) to have access to the confidential information and related materials.
3. I have made no use of the confidential information or related materials except as permitted pursuant to the ruling and undertaking.
4. I have not disclosed the confidential information or related materials in any manner except as permitted by the ruling and undertaking.
5. I have expunged all electronic copies of the confidential information and related materials from all electronic apparatus and data storage media in my possession or under my direction and control.
6. I have delivered to the grantee or have destroyed, all paper copies of the confidential information and related materials in my possession or under my direction and control.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Recipient signature

Declared before me at the \_\_\_\_\_\_\_\_\_\_\_\_\_of \_\_\_\_\_\_\_\_\_

in the province of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

A commissioner for oaths in and for Alberta or

a notary public (with seal affixed)