

A letter by the US Ambassador to all participants circulated in January 2013, and seeking written confirmation by participation of three rules of confidentiality.

Dear [ISA Participant/Lead Negotiator],

The United States would like to propose the following procedures for the handling of documents exchanged during our negotiations for an International Services Agreement. We seek written confirmation that you agree with these procedures and will take the actions described below.

- First, all participants agree that all documents related to the development of a new International Services Agreement, including negotiating texts, proposals of each participant, accompanying explanatory material, discussion papers, emails related to the substance of the negotiations, and other information exchanged in the context of the negotiations, is provided and will be held in confidence, unless each participant involved in a communication subsequently agrees to its release. This means that documents may be provided only to (1) government officials, or (2) persons outside government who participate in that government's domestic consultation process and who have a need to review or be advised of the information in these documents. Anyone provided access to the documents will be informed that they cannot share the documents with people not authorized to see them. All participants will hold these documents in confidence for four years after entry into force of the International Services Agreement, or if no agreement enters into force, for four years after the last round of negotiations.
- Second, while the documents are confidential, each participant may mail, e-mail, fax, or discuss these documents over unsecured lines with the groups of people mentioned above (i.e., government officials and persons who participate in the domestic consultation process). The participants 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. Each participant can also create and store these documents on computer systems that are not subject to special security measures.
- Lastly, participants are to mark the documents they create in a manner that makes clear that the documents are to be held in confidence.

The policy underlying these actions is to maintain the confidentiality of documents, while at the same time allowing the participants to develop their negotiating positions and communicate internally and with each other. We look forward to receiving confirmation that you agree with this proposal.

Yours sincerely,