

14 March 2006

To: [*Interested Parties*]

Confidentiality of Information provided to Commission

The public version of the Commission's Draft Determination dated 9 March 2006 excludes information considered to be confidential by the Commission. At least one party has now requested from the Commission a copy of the confidential version of the application. This letter is to inform interested parties of the Commission's policy for dealing with the confidential information in the Draft Determination, and with other confidential information provided to the Commission to date or which may be provided.

Information given to the Commission will be treated as "**Restricted Information**" if the Commission determines the information to be confidential. Interested Parties should indicate to the Commission the particular information that they consider to be confidential. In written communications, this should be signalled through the use of square brackets around confidential material ("[]").

A person wishing to obtain access to Restricted Information must supply to the Commission a Deed of Undertaking as to Confidentiality on the **attached** form. The Commission will generally only supply Restricted Information to a natural person who:

- has signed a Deed of Undertaking as to Confidentiality on the **attached** form ("**Deed**");
- is a representative of an "**interested party**" (as defined in the Commerce Act); and
- is engaged by an interested party in relation to this application for authorisation as either a legal counsel (internal or external) or an external consulting economist.

The Commission proposes that it will make Restricted Information available, on the terms of the Deed, to individuals who satisfy the above criteria but will consider the appropriateness of doing so on a case-by-case basis and may in its discretion decline to disclose Restricted Information to any person.

The Commission will make Restricted Information available to a person who does not satisfy these criteria only after consulting with the person who provided this information to the Commission.

Yours sincerely

Paula Rebstock

Encl. Standard form Deed of Undertaking re Confidentiality