Confidentiality Deed Poll

Name:

Address:

Project:

Position/job title:

Deed Poll made at on

1. **Definitions**

In this Deed:

"**Commonwealth**" means the Commonwealth of Australia.

“**Confidential Information**” means:

* + 1. all information that I become aware of or create (whether disclosed to me orally, in writing, or in any other form) while carrying out my duties for the Commonwealth in the context of the Process; and
    2. all information that is confidential to any person including the Commonwealth, the Department of Defence, its suppliers or consultants,

and includes all copies and notes that I make based on or arising out of any disclosure under paragraph (a) but does not include information to the extent that I:

* + 1. independently develop or know the information; or
    2. am permitted or required to disclose the information by law.

“**Deed**” means this deed poll.

“**Personal information**” means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

* + 1. whether the information or opinion is true or not; and
    2. whether the information or opinion is recorded in a material form or not.

"**Process**" means an invitation to register an interest or a tender process undertaken as part of the Project.

"**Respondent**" means a person (or persons) or other entity that submits a registration of interest or tender for the Project.

1. **Acknowledgement**

I acknowledge that it could cause significant loss and damage to the Commonwealth or a Respondent (or a potential Respondent), if I use or disclose Confidential Information or Personal Information other than as necessary for my duties relating to the Process.

1. **Obligations**
   1. In return for being given access to the Confidential Information and Personal Information I agree:
      1. to keep the Confidential Information confidential; and
      2. to use the Confidential Information and Personal Information only as is necessary to carry out my duties relating to the Project.
   2. I agree that I will immediately notify the Commonwealth if I become aware that any of the Confidential Information or Personal Information:
      1. has been used, copied or disclosed without authority; or
      2. is required to be disclosed by law.
   3. If:
      1. the Commonwealth asks me to return or destroy any or all copies of Confidential Information or Personal Information;
      2. I breach any provision of this Deed; or
      3. I no longer need to use the Confidential Information or Personal Information to carry out my duties relating to the Process,

then, except to the extent necessary for compliance with the law or for internal record keeping, I will immediately return to the Commonwealth all copies of the Confidential Information and Personal Information.

* 1. This Deed:
     1. does not transfer any interest in any intellectual property; and
     2. is governed by the laws applicable in the Australian Capital Territory.

**Executed as a deed Poll**

|  |  |  |  |
| --- | --- | --- | --- |
| **Signed, sealed and delivered** in the presence of: |  |  |  |
|  |  |  |  |
| Signature of witness |  |  | Signature of |
|  |  |  | *[Insert full name]* |
| Full name of witness |  |  |  |