



Notice to participants and counsel

1. Subsection 12(1) of the *Public Inquiries Act, 2009* provides:

12. (1) Subject to this section, all participants and their lawyers or agents are deemed to undertake not to use information obtained from another participant or collected or received by the commission for any purpose other than that of the public inquiry in which it was obtained.

(2) Subsection (1) does not prohibit the following:

1. A use to which the person who disclosed the information consents.
2. The use, for any purpose, of information that is disclosed to the public.
3. The use, for any purpose, of information that is provided or referred to during a hearing.
4. The use, for any purpose, of information obtained from information referred to in paragraph 2 or 3.
5. The use of information to impeach the testimony of a person in another proceeding or for a prosecution for perjury in respect of that testimony.

2. Articles 13, 14, 14.1, and 14.2 of the Commission's *Rules of Procedure* (revised Dec. 20, 2012) provide:

13. Counsel to the participants and witnesses will be provided with documents and information, including statements of anticipated evidence, only upon executing the written undertaking at Appendix "A" that all such documents and information will be used solely for the purposes of the Inquiry.

14. Counsel are entitled to provide those documents or information to their clients only on terms consistent with the undertakings given, and after the clients have entered into the written undertaking at Appendix "B" to the same effect.

14.1 Potential witnesses or participants who are unrepresented will also be entitled to receive documents or information relevant to their testimony after having entered into the written undertaking at Appendix "C".

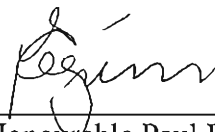
14.2 The Commission orders that each person who has entered into a written undertaking in the form set out at Appendix "A", "B" or "C" comply with its terms. Failure to do so will be a breach of an order of the Commission.

3. The Undertaking found at Appendix "A" provides the following:

I, _____, undertake to the Elliot Lake Commission of Inquiry that any and all documents which are produced to me in connection with the Commission's proceedings will not be used by me for any purpose other than those proceedings. I further undertake that I will not disclose those documents to anyone for whom I do not act or who has not been retained as an expert for the purposes of the Inquiry.

4. I will expect strict and meticulous compliance with the confidentiality undertakings. Documents have been produced to the Commission in response to its summonses in the expectation of such compliance.
5. Counsel are not allowed to share documents provided to them by the Commission that do not fall within the exceptions set out in s. 12(2) of the *Public Inquiries Act, 2009* with anyone other than a Participant who has been granted standing, a witness or an expert retained for the purposes of the Inquiry. In this regard, I wish to emphasize that counsel are **not** allowed to share documents with insurers, as no insurer has been granted standing before the Commission.

ISSUED at Ottawa, Ontario, this 18th day of January, 2013.



The Honourable Paul R. Bélanger
Commissioner