



ADMINISTRATIVE RULES OF MONTANA

38.2.5012 NONDISCLOSURE AGREEMENTS--GENERAL

- (1) All persons, including legal counsel, having a right pursuant to protective order to access confidential information, shall sign and file with the commission and serve on the provider a nondisclosure agreement, on a form as attached to each protective order, prior to receiving or reviewing the confidential information.
- (2) Commissioners and commission staff shall sign a "commission nondisclosure agreement" which must certify, permanently and for all confidential information in all proceedings before the commission, in substantial compliance with the following:

"I understand that in my capacity as commissioner or commission staff, I may be called upon to access, review, and analyze, information that is protected as confidential information. I have reviewed all commission rules applicable to protection of confidential information and I am familiar with the standard terms and conditions of protective orders issued by the commission. I understand and will abide by my obligations in regard to confidential information.

"I agree that I will use confidential information only for commission purposes and I will discuss and disclose confidential information only with the provider and persons, including commissioners and commission staff, having also signed a nondisclosure agreement. I agree to be bound by the terms and conditions of protective orders and these rules. I will neither use nor disclose protected information except for lawful purposes in accordance with the governing protective order and these rules so long as such information remains protected.

"I understand that this nondisclosure agreement may become part of my permanent personnel file and the files of the division to which I am assigned and may be freely copied and distributed to other files and persons having interest in it, including the provider and other parties in proceedings before the commission."

- (3) Counsel, expert witnesses, and others entitled to access confidential information for parties to a proceeding in which a protective order has been issued shall sign and file with the commission, and on the same day must serve on the provider, a nondisclosure agreement, on a form as attached to each protective order, certifying in substantial compliance with the following:

"I understand that in my capacity as counsel or expert witness for a party to this proceeding before the commission, or as a person otherwise lawfully so entitled, I may be called upon to access, review, and analyze information that is protected as confidential information. I have reviewed all commission rules and protective orders governing the protected information that I am entitled to receive. I fully understand, and agree to comply with and be bound by, the terms and conditions thereof. I will neither use nor disclose confidential information except for lawful purposes in accordance with the governing protective order and commission rules so long as such information remains protected.

"I understand that this nondisclosure agreement may be copied and distributed to any person having an interest in it and that it may be retained at the offices of the provider, commission, consumer counsel, or any party and may be further and freely distributed."

- (4) Nondisclosure agreements must include the name, employer, and business address of the person signing and the name of the party represented by the person.

Authorizing statute(s): 69-3-103, MCA

Implementing statute(s): 69-3-105, MCA

History: NEW, 2000 MAR p. 2037, Eff. 7/28/00; AMD, 2004 MAR p. 2592, Eff. 10/22/04.