

ANNEX II

**CODE OF PRACTICE FOR THE TREATMENT OF CONFIDENTIAL INFORMATION IN
THE TECHNICAL REVIEW OF GREENHOUSE GAS INVENTORIES FROM PARTIES
INCLUDED IN ANNEX I TO THE CONVENTION**

1. Pursuant to Article 12, paragraph 9, of the Convention, a Party has a right to designate information as confidential, in accordance with criteria to be established by the Conference of the Parties, and request that this information be aggregated by the secretariat to protect its confidentiality before being made available to any of the bodies involved in the communication and review of information. Should a Party included in Annex I to the Convention (Annex I Party) voluntarily allow access to inventory information other than that required by Article 12, the provisions in this code of practice shall apply.
2. Prior to the provision of specific national greenhouse gas inventory information that an Annex I Party wishes to be considered as confidential, that Party may assert a confidentiality claim by submitting a notification, signed by the appropriate focal point (national or inventory), indicating that the information is considered confidential and requesting that it be protected according to the procedures in this code of practice. The assertion of confidentiality shall be accompanied by documentation of the Party's basis for such protection, including applicable laws and regulations.
3. The secretariat shall confirm receipt of an assertion of confidentiality and provide a written assurance to the Party that the information will be protected in accordance with these procedures.
4. Any confidential information shall be submitted separately from other inventory information, and in hard copy only, and shall be clearly designated as confidential by the Party.
5. The secretariat shall ensure that any inventory information it receives in the course of the inventory reporting and review process, which has been designated as confidential by the Party in accordance with paragraphs 2–4 above, is protected in accordance with these procedures.
6. Information designated as confidential shall be stored in a secure, locked location. Only authorized staff and review team members shall be given access to this information, in accordance with procedures to be established.
7. All review team members shall be required to sign an agreement for expert review services, which shall include provisions for protection of confidential information. The obligation of a review team member to protect confidential information shall continue after completion of his or her services.
8. Expert reviewers shall not be given access to information designated as confidential if a known potential conflict of interest with regard to that information has been disclosed in accordance with the agreement for expert review services.
9. The secretariat shall ensure that any expert with a known potential conflict of interest relating to specific confidential information submitted by the reviewed Party is excluded from participating in the review of the Party concerned.
10. Information designated as confidential shall not be distributed or disclosed to non-authorized individuals and/or organizations and shall not be distributed beyond the secretariat's control.
11. Secretariat staff with a need to handle information designated as confidential shall be instructed in responsibilities and trained in procedures to protect the confidentiality of such information.

12. Expert review team members with a need to handle information designated as confidential shall be instructed in responsibilities and trained in procedures to protect the confidentiality of such information.
13. The secretariat shall ensure that review experts are made aware of their personal liability and of the potential consequences, including legal consequences, that may arise from disclosure by them of confidential information.
14. When an Annex I Party, in accordance with Article 12, paragraph 9, of the Convention, gives an expert review team access to confidential information during an in-country review visit, access to the information would be under the supervision of the Party and in accordance with the Party's own procedures. In such a case, the members of expert review teams shall still be obliged to protect confidential information, in accordance with the agreement for expert review services.
15. Any internal documentation developed by the secretariat or by the review team which contains information designated as confidential shall also be considered confidential and shall be handled in accordance with the above procedures. Confidential information shall not be included in review reports.
16. The secretariat shall make publicly available information on its policies and procedures to protect confidential information, including this code of practice.