

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON, D.C. 20508

January 30, 2020

USTR-MOCI CONFIDENTIALITY AGREEMENT

Mr. Sanjay Chadha
Additional Secretary
Ministry of Commerce and India
New Delhi

Dear Mr. Chadha:

Following our recent discussions, I take this opportunity to inform you of the arrangements that the United States will put in place to protect and handle information that will be exchanged in support of bilateral trade negotiations between the Office of the United States Trade Representative and India's Ministry of Commerce and Industry.

- Negotiating texts, proposals of each government, accompanying explanatory material, emails and other information exchanged in the context of bilateral trade negotiations will be held in confidence unless otherwise jointly decided. Such information may be provided only to (1) government officials or (2) persons outside government who participate in a domestic consultation process and who have a need to review or be advised of certain information. Anyone given access to this information will be warned that they cannot share the information with individuals not authorized to see the information. This information will be held in confidence for four years from the date of the last round of any bilateral trade negotiation discussion or text negotiation, whichever is later, unless the disclosing government highlights the need to retain confidentiality for a longer period on account of reasons such as the business-sensitive nature of the disclosed information.
- While the document and information exchanged in the context of bilateral trade negotiations are confidential, this information may be mailed, emailed, faxed or discussed over unsecured lines with any of the individuals identified in the preceding paragraph (i.e., government officials and persons outside government who participate in a domestic consultation process). Documents and information may be stored in a locked file cabinet or within a secured building; that is, this information does not need to be stored in safes. This information can be created and stored on unclassified computer systems and password-protected websites.
- Documents created pursuant to or as a result of bilateral trade negotiations will be marked in a manner that makes clear that the documents, regardless of their physical form or characteristics, and the information contained in those documents, will be held in

confidence. To that end, the United States and India will mark such documents as "U.S.-India PRIVILEGED AND CONFIDENTIAL, Modified Handling Authorized."

The Policy underlying this approach is to maintain the confidentiality of documents and information, while at the same time allowing the parties to develop their positions and communicate internally and with each other, and engage with their public as they consider appropriate in developing and communicating their own positions.

I look forward to your confirmation that the Ministry of Industry and Commerce of the Government of India is in a position to apply the arrangements described in this letter in the context of materials developed by your ministry in support of bilateral trade negotiations between the Office of the United States Trade Representative and India's Ministry of Commerce and Industry.

Sincerely,

A handwritten signature in cursive script, appearing to read "Chris S. Wilson".

Christopher S. Wilson
Assistant United States Trade Representative
Office of the United States Trade Representative