



NEW ZEALAND EMBASSY

TE AKA AORERE
WASHINGTON

**CONFIDENTIALITY COMMITMENT
STATEMENT OF LEGAL AUTHORITY
AND COMMITMENT FROM THE NEW ZEALAND FOOD SAFETY
AUTHORITY NOT TO PUBLICLY DISCLOSE NON-PUBLIC
INFORMATION SHARED
BY THE U. S. FOOD AND DRUG ADMINISTRATION (USFDA), U.S.
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

The United States Food and Drug Administration (USFDA), a part of the United States Department of Health and Human Services, is authorized under 21 C.F.R. § 20.89 (“Communications with Foreign Government Officials”) to disclose non-public information to New Zealand Food Safety Authority (NZFSA) regarding USFDA regulated products as part of cooperative law enforcement or regulatory activities.

NZFSA understands that some of the information it receives from USFDA may include non-public information exempt from public disclosure under the laws and regulations of the United States of America, such as confidential commercial information; trade secret information; personal privacy information; law enforcement information; or internal, pre-decisional information. NZFSA understands that this non-public information is shared in confidence, and that USFDA considers it critical that NZFSA maintains the confidentiality of the information. Public disclosure of this information by NZFSA could seriously jeopardize any further scientific and regulatory interactions between USFDA and NZFSA. US FDA will advise NZFSA of the non-public nature of the information at the time that the information is shared.

Therefore, NZFSA certifies that it:

1. has the authority to protect the non-public information provided to NZFSA in confidence by the USFDA from public disclosure;
2. will not publicly disclose the USFDA-provided non-public information without the written authorization of the owner of the information, the written authorization from the individual who is the subject of the personal privacy information, or a written statement from USFDA that the information no longer has non-public status;
3. will inform USFDA within two working days of any effort made to obtain USFDA-provided non-public information from NZFSA by judicial or legislative mandate. If such judicial or legislative mandate orders disclosure of USFDA-provided non-public information, NZFSA will take all measures in an effort to ensure that the information will be disclosed in a manner that protects the information from public disclosure; and

4. will promptly inform USFDA of any changes to laws, policies or procedures that would affect NZFSA's ability to honor the agreements in this document.



18 June 2004

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