

CONFIDENTIALITY AGREEMENT

In consideration of my being permitted to attend the mediation between (Party A) and (Party B), I agree to be personally bound by the confidentiality provisions (Clause 12-15) of the Agreement to Mediate signed by the Parties on (Date) as if I was a party to the mediation and undertake to the Parties and the Mediator that I will not disclose or use any information relating to the mediation nor act as a witness in any proceedings, unless compelled to do so by a court of law.

Signature: Date:

Name and Capacity (in print):
.....

*Clause 12-15 provide:

12. Every person involved in the mediation:

- (a) will keep confidential all information arising out of or in connection with the mediation, including the fact and terms of any settlement, but not including the fact that the mediation is to take place or has taken place or where disclosure is required by law to implement or to enforce terms of settlement; and
- (b) acknowledges that all such information passing between the Parties and the Mediator, however communicated, is agreed to be without prejudice to any Party's legal position and may not be produced as evidence or disclosed to any judge, arbitrator or other

decision-maker in any legal or other formal process, except where otherwise disclosable in law.

13. Where a Party privately discloses to the Mediator any information in confidence before, during or after the mediation, the Mediator will not disclose that information to any other party or person without the consent of the Party disclosing it, unless required by law to make disclosure.
14. The Parties will not call the Mediator as a witness, nor require him to produce in evidence any records or notes relating to the mediation, in any litigation, arbitration or other formal process arising from or in connection with the Dispute and the mediation; nor will the Mediator act or agree to act as a witness, expert, arbitrator or consultant in any such process.
15. The Parties must not take any verbatim recording and take any notes of the mediation.