

- (c) if a data source identified in paragraph 18 refuses to consent to an audit under this paragraph, or if the Parties agree on the basis of an audit or otherwise that such source is an unreliable measure of shipments, exports or imports:
  - (i) the Parties shall select an alternative data source, and
  - (ii) to the extent that historical data is shown to be biased or unreliable and materially affected the Export Measures that were applied in a previous period and in respect to which exporters within a Region relied in good faith to their detriment, the Export Measures shall be re-adjusted on a retroactive basis to take this into account.

## ARTICLE XVI

### Confidentiality

1. Each Party shall treat as confidential, in accordance with its laws, information provided to it under the SLA 2006, that is not otherwise publicly available. Nothing in this Article shall be construed to limit a Party's authority under its domestic law to exempt information from disclosure.
2. A Party shall refuse to disclose information obtained in confidence from the other Party or an institution thereof under the SLA 2006, unless the Party providing the information consents to the disclosure or the information is otherwise publicly available.
3. The information referred to in paragraphs 1 and 2:
  - (a) may be used by and disclosed to government officials solely in connection with the implementation or operation of the SLA 2006 and subject to the disclosure requirements of the receiving Party's law; and
  - (b) shall not be used or disclosed in any trade action or investigation of the type referred to in Article V except with the written permission of the Party or Person providing the information.