

4. In the elaboration of subsidiary arrangements/facility attachments due regard shall be paid to the requirement of protecting confidential information. Agreements on inspection procedures for individual facilities shall also include specific and detailed arrangements with regard to the determination of those areas of the facility to which inspectors are granted access, the storage of confidential information on-site, the scope of the inspection effort in agreed areas, the taking of samples and their analysis, the access to records and the use of instruments and continuous monitoring equipment.

5. The report to be prepared after each inspection shall only contain facts relevant to compliance with the Convention. The report shall be handled in accordance with the regulations established by the Organization governing the handling of confidential information. If necessary, the information contained in the report shall be processed into less sensitive forms before it is transmitted outside the Technical Secretariat and the inspected State Party.

D. PROCEDURES IN CASE OF BREACHES OR ALLEGED  
BREACHES OF CONFIDENTIALITY <sup>1/</sup>

1. The Director-General of the Technical Secretariat shall establish necessary procedures to be followed in case of breaches or alleged breaches of confidentiality, taking into account recommendations made by the Preparatory Commission.

2. The Director-General of the Technical Secretariat shall oversee the implementation of individual secrecy agreements and promptly initiate an investigation if there is any indication that obligations concerning the protection of confidential information have been violated and if he considers such an indication sufficient. He shall also promptly initiate an investigation if an allegation concerning a breach of confidentiality is made by a State Party.

3. [Members of the staff of the Technical Secretariat shall be held responsible for any breach of secrecy agreements they entered into.] The Director-General shall impose appropriate punitive and disciplinary measures on staff members who have violated their obligations to protect confidential information. <sup>2/</sup> In case of serious breaches the immunity from legal process may be waived by the Director-General.

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<sup>1/</sup> This section should be reviewed in the light of the results of considerations of other legal issues, in particular liability and the settlement of disputes.

<sup>2/</sup> A view was expressed that the Director-General should be given clear guidelines on which punitive and disciplinary measures would be deemed appropriate.