



## DECLARATION OF CONFIDENTIALITY Honolulu Rail Transit Project


I, the undersigned, having been granted access by the City and County of Honolulu (City) to certain confidential information relating to the Honolulu Rail Transit Project, understand, agree and declare and affirm:

1. For the purposes of this declaration, "confidential government record" means information in the possession of the City or any of its officers, employees, or agents, including contractors, from whatever source, in written, auditory, visual, electronic, or other physical form (i) which has been designated as "confidential", "proprietary" and/or "trade secret" by the City or another source, including a City contractor or potential City contractor, or (ii) which, although not marked as "confidential", "proprietary", and/or "trade secret", I know or have reason to know is deemed to be confidential by the City or another source.
  - a. During the time a confidential government record is in my possession, I will:
    - i. Safeguard the confidential government record against theft, loss, or unauthorized disclosure with the utmost care and diligence;
    - ii. Never leave the confidential government record unattended except when in a properly secured place;
    - iii. Never transfer the confidential government record to another person or permit another person to have access to or examine the confidential government record, except to another person who I know has a current signed declaration of confidentiality approved by the Executive Director of the Honolulu Authority for Rapid Transportation (HART), on file with HART;
    - iv. Transmit any confidential government record to another person authorized by subparagraph 1.a.iii above, by either personally hand carrying the confidential government record to the other authorized person or having the confidential government record delivered with a "CONFIDENTIAL" cover sheet and placed in an envelope marked "CONFIDENTIAL", or as otherwise directed by the Executive Director of HART; and
    - v. Never reproduce the confidential government record in whole or in part in any physical or electronic form, except with the prior approval of the Executive Director of HART.
  - b. I will never discuss or disclose any contents from a confidential government record with another person, except for another person who I know has a current signed declaration of confidentiality approved by the Executive Director of HART on file with HART.

2. For the purposes of this declaration, "confidential verbal information" is all verbal discussions relating to procurements of services for the Honolulu Rail Transit Project. I will:
  - a. Never make any written, auditory, visual, electronic or other physical notes of any confidential verbal information unless directed to do so by a person who I know has a current signed declaration of confidentiality approved by the Executive Director of HART on file with HART;
  - b. Mark any notes of the discussion or disclosure authorized by subparagraph 1.b, above, as "CONFIDENTIAL", or as otherwise directed by the Executive Director of HART; and
  - c. Treat all notes as a confidential government record in accordance with paragraph 1, above.
3. I will insert the following language into the body of all e-mails to cover confidential information:

**"NOTICE: This communication and any attachments ("this message") may contain confidential information for the sole use of the intended recipient(s). Any unauthorized use, disclosure, viewing, copying, alteration, dissemination or distribution of, or reliance on this message is strictly prohibited. If you have received this message in error, or you are not an authorized recipient, please notify the sender immediately by replying to this message, delete this message and all copies from your e-mail system and destroy any printed copies."**

4. I will report all unauthorized disclosures of confidential information promptly to the Executive Director of HART as soon as I become aware of the unauthorized disclosure.
5. I understand and agree that under Section 103D-304 of the Hawaii Revised Statutes, that there shall be no disclosure of any information derived from the proposals submitted by offerors for the Honolulu Rail Transit Project, and, further, that all negotiations with offerors shall be conducted confidentially. I also understand and agree that if I fail to honor this declaration for any reason whatsoever, I may be subject to disciplinary action, up to and including dismissal, and/or criminal penalties pursuant to Section 103D-106 of the Hawaii Revised Statutes, Section 92F-17 of the Hawaii Revised Statutes, or other applicable law.
6. I further declare and affirm that I have fully read and understand this declaration, and I am making this declaration of my own free will.

  
 \_\_\_\_\_  
 Declarant's Signature

John Henry Felix  
 \_\_\_\_\_  
 Declarant's Name (Type/Print)

07/06/2017  
 \_\_\_\_\_  
 Date

BOD Member  
 \_\_\_\_\_  
 Declarant's Title

HART  
 \_\_\_\_\_  
 Declarant's Agency

APPROVED:

\_\_\_\_\_  
 Krishniah N. Murthy  
 Interim Executive Director and CEO

\_\_\_\_\_  
 Date