

10 November 2000

Ms Ng Cher Keng
Director (Policy)
InfoComm Development Authority of Singapore
8 Temasek Boulevard
#14-00 Suntec Tower Three
Singapore 038988

Dear Ms Ng

SUGGESTED AMENDMENTS TO THE IDA'S REVISED MCA

In accordance with section 5.3.3 of the Code of Practice, we hereby submit a revised Model Confidentiality Agreement (attached) that incorporates the modifications required by IDA. In addition, we have proposed the following additional amendments to facilitate the adoption of the amendments required by the IDA:

Clause 7

We have removed the category of “advisers” from clause 7(a) as this category is covered by clause 7(b) and would allow for a distinction to be drawn when determining which Authorised Persons should be required to give written undertakings (see Clause 8 below).

Clause 8

We have removed the requirement for a written undertaking from an Authorised Person where this person falls into the category described in clause 7(a). SingTel believes that requiring a written undertaking from people in this category would create significant delays to the negotiation process and that the Receiving Party is already likely to be directly liable for the actions of these people making enforcement of the agreement relatively straightforward and reducing the need for a separate written agreement for each person who falls within the scope of 7(a).

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We have also added the requirement that the written undertaking be in favour of the Disclosing Party and that it be provided to the Disclosing Party to facilitate enforcement of the written agreements.

We hope that the IDA finds the attached revised Model Confidentiality Agreement and the above comments/proposals of assistance in this matter and if we can be of any further assistance please do not hesitate to contact us.

Yours sincerely

Ying Lai Chang
Director
International Affairs & Regulatory Affairs

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