



TECHNICAL AND COMPLIANCE COMMITTEE
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**RULES AND PROCEDURES FOR ACCESS TO AND DISSEMINATION OF DATA
COMPILED BY THE COMMISSION**

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The scope of these Rules and Procedures is data and information held by the WCPFC Commission or Secretariat, and by service providers or contractors acting on their behalf.

1. Basic principles relating to the dissemination of data by the WCPFC

1. Data shall only be released in accordance with these Rules and Procedures; which reflect the policies of confidentiality and security determined by the Commission.
2. Data may be disseminated if the source providing the data to the WCPFC authorizes their release ~~Nothing contained in these Rules and Procedures should prevent the release of data if the CCM that originally provided the data to the WCPFC authorises their release.~~
3. Persons duly authorised by the Executive Director within the WCPFC secretariat and service providers, who have read and signed the Commission's confidentiality protocol, shall have access to the data necessary to perform their WCPFC duties.
4. Officers of the Commission and its subsidiary bodies shall have access to the data necessary to perform their WCPFC duties.
5. CCMs shall have access to data to serve the purposes of the Convention, including data:
 - A) covering vessels flying their flag in the WCPFC Convention Area
 - B) covering any vessels fishing in waters under their jurisdiction

- C) covering vessels unloading in their ports or transshipping fish within waters under their jurisdiction
 - D) for the purpose of compliance and enforcement activities on the high seas, consistent with the Convention and the Conservation and Management Measures and other relevant decisions adopted by the Commission, if the CCM that originally provided that data authorises the Commission to release them. In cases where a CCM elects to provide an ongoing authorisation for the release of such data, the CCM may at any time cancel this authorization by notifying the Secretariat that it has revised its earlier decision.
 - E) for the purpose of scientific and other research, if the CCM that originally provided that data authorises the Commission to release them. In cases where a CCM elects to provide an ongoing authorisation for the release of such data, the CCM may at any time cancel this authorization by notifying the Secretariat that it has revised its earlier decision.
6. To the greatest extent practical, the WCPFC Commission, Secretariat and their service providers, should disseminate data in a timely manner.

2. Risk classification and definition of confidentiality

- 7. Data covered by these Rules and Procedures will be classified in accordance with the risk classification methodology included in the Commission's Information Security Policy (ISP), which reflects *inter alia* the damage that would be done to the operations or creditability of the Commission as a consequence of the unauthorized disclosure or modification of such information. The classification is attached as Table 1.
- 8. Data covered by these Rules and Procedures were determined to be either public domain or non-public domain data in accordance with the definition of confidentiality established in the Commission's ISP.

3. Dissemination of Public Domain Data

- 9. Data in the public domain shall not reveal the individual activities of any vessel, company or person and shall not contain private information. Catch and Effort data in the public domain shall be made up of observations from a minimum of three vessels.
- 10. Annual catch estimates and aggregated catch and effort data that can be used to identify the activities of any vessel, company or person are not in the public domain.

11. Except for data as described in Paragraphs 9 and 10, the types of data listed in Appendix 1 have been designated to be Public Domain data.
12. Public Domain data shall be available to any persons for (a) downloading from the Commission's website and/or (b) release by the Commission on request.
13. The website should contain a statement describing the conditions associated with the viewing or downloading of Public Domain Data (for example, that the source of the data must be acknowledged), and should require the person requesting the data to "Accept" these conditions before viewing /downloading can begin.

4. Dissemination of Non-Public Domain Data

4.1 Definition of Non-Public Domain Data

14. Subject to the decisions of the Commission, all types of data not described in paragraph 11 shall be referred to as Non-Public Domain data.
15. A list of examples of Non-Public Domain data can be found in Appendix 2.

4.2 General rules for dissemination of, and access to, Non-Public Domain data

16. Access to and dissemination of Non-Public Domain data shall be authorized in accordance with these Rules and Procedures and the policies of confidentiality and security established in the Commission's ISP.
17. The WCPFC Secretariat shall log and report to the Commission all access and dissemination of Non-Public Domain data, including the name and affiliation of the person, the type of data accessed or disseminated, the purpose for which the data were requested, the date when the data were requested, the date when the data were released and authorizations that may have been required.

4.3 Access to Non-Public Domain data by the Staff of the Secretariat, the WCPFC Service Providers, and Officers of the Commission and its Subsidiary Bodies

18. Persons duly authorised by the Executive Director, within the WCPFC secretariat and service providers, including scientific experts engaged under Article 13 of the Convention, shall have access to the data necessary to perform their WCPFC duties. Officers of the Commission and its subsidiary bodies shall have access to the data necessary to perform their WCPFC duties. All such persons shall sign a Confidentiality Agreement with the Executive Director and maintain the data security standards of the Commission in respect of data to which they have access. The Executive Director shall maintain a Register of all such persons (including the purpose for which they require access to the data) and make the Register available

to a CCM on written request.

4.4 Access to Non-Public Domain data by CCMs

19. CCMs shall have access to Non-Public Domain data to serve the purposes of the Convention, including data:
 - A) covering vessels flying their flag in the WCPFC Convention Area
 - B) covering any vessels fishing in waters under their jurisdiction
 - C) covering vessels unloading in their ports or transshipping fish within waters under their jurisdiction
 - D) for the purpose of compliance and enforcement activities on the high seas, consistent with the Convention and the Conservation and Management Measures and other relevant decisions adopted by the Commission, if the CCM that originally provided that data authorises the Commission to release them. In cases where a CCM elects to provide an ongoing authorisation for the release of such data, the CCM may at any time cancel this authorization by notifying the Secretariat that it has revised its earlier decision.
 - E) for the purpose of scientific and other research, if the CCM that originally provided that data authorises the Commission to release them. In cases where a CCM elects to provide an ongoing authorisation for the release of such data, the CCM may at any time cancel this authorization by notifying the Secretariat that it has revised its earlier decision.
20. CCMs shall notify the Secretariat of a small number of representatives (preferably only 2) authorised to receive Non-Public Domain data. Such notification will include name, affiliation, and contact information (e.g. telephone, facsimile, email address). The WCPFC Secretariat will maintain a list of such authorized representatives. CCMs and the Secretariat shall ensure the list of CCM representatives is kept up to date and made available.
21. The authorized representative(s) of the CCMs are responsible for ensuring the confidentiality and security of the Non-Public Domain data according to its risk classification and in a manner consistent with security standards established by the Commission for the WCPFC Secretariat.
22. The Non-Public Domain data described in paragraph 19 may ~~shall~~ be available to authorised representatives of the CCMs for release by the Commission on request and, where appropriate, downloading from the Commission's website in accordance with the Commission's ISP .

23. Such MCS data as nNear real-time VMS data, Boarding and Inspection Reports, Certified observer personnel data, Certified Inspection personnel data and other Commission data collection programmes will be made available subject to the additional Rules and Procedures for the access and dissemination of such data that the Commission may adopt from time to time.
24. VMS data shall be available for scientific purposes [only after a lag of two years] subject to the additional Rules and Procedures for the access and dissemination of such data that the Commission may adopt from time to time.
25. Access to Non-Public Domain data by CCMs shall be administered by the Executive Director on the basis of these Rules and Procedures and a Framework which will be established by the Commission. The Framework may include, *inter alia*, guidelines for access to different data types, the possibility of standing authorizations, compliance with the Commission's policy for the provision of data and a mechanism for resolving disputes. CCMs shall provide a written request for such data to the Executive Director specifying the purpose for which the data is required.
26. The Executive Director will implement the Framework and authorize access to and dissemination of Non-Public Domain data.
27. Unless otherwise decided by the Member or CCM responsible for its external affairs, Participating Territories shall have the same access rights to data as CCMs.
28. A CCM that has not fulfilled its basic obligations to provide data to the Commission for two consecutive years shall not be granted access to Non-Public Domain data until all such matters are rectified. A CCM that its delegation member failed to observe the rules stipulated in these Rules of Procedures shall not granted access to Non-Public Domain data until all such matters are rectified.

4.5 Exchange of data with other regional fisheries management organizations

29. If the Commission enters into agreements for the exchange of data with other regional fisheries management organisations (RFMOs), such agreements must include requirements that the other RFMO provides equivalent data on a reciprocal basis and maintains the data provided to them in a manner consistent with the security standards established by the Commission. The data which may be exchanged is specified in Appendix 3. At each annual session the Executive Director will provide copies of data exchange agreements that exist with other RFMOs and a summary of the data exchanges that occurred during the previous 12 months under such agreements. For the purposes of these Rules and Procedures, the following organisations will be treated as being equivalent to a RFMO:
 - International Scientific Committee (ISC)
 - South Pacific Commission (SPC)

4.6 Disseminations of Non Public Domain data in other circumstances

~~30. Non Public Domain data shall be available to any persons¹ if the CCM that originally provided that data authorises the Commission to release them. In cases where a CCM elects to provide an ongoing authorisation for the release of such data, the CCM may at any time cancel this authorisation by notifying the Secretariat that it has revised its earlier decision. Unless otherwise requested by the provider of the data:~~

~~A) Persons that request Non Public Domain data shall complete and sign the Data Request Form and sign the Confidentiality Agreement and provide them to the Commission in advance of obtaining access to said data.~~

~~B) The Data Request Form and Confidentiality Agreement shall then be forwarded to the CCM that originally provided the requested data and the provider shall be requested to authorise the Commission to release the data.~~

~~C) Such persons shall also agree to maintain the data requested in a manner consistent with the security standards established by the Commission for the WCPFC Secretariat.~~

~~31. CCMs that have provided Non Public Domain data to the Commission shall notify the Secretariat regarding their representatives with the authority to authorise the release of Non Public Domain data by the Commission. Decisions to authorise the release of such data shall be made in a timely manner.~~

4.7 Force majeure

32. The Executive Director may authorise the release of Non-Public Domain data to rescue agencies in cases of *force majeure* in which the safety of life at sea is at risk.

5. Periodic Review

33. The Commission or its subsidiary bodies will periodically review these Rules and Procedures, and subsidiary documents, and amend these if necessary.