



AD HOC TASK GROUP

[DATA]

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Manila, Philippines

DRAFT RULES FOR ACCESS TO, AND USE OF, WCPFC DATA

WCPFC/AHTG [Data]/2006/05

Paper prepared by the Secretariat

1. The Second Session of the Commission adopted a recommendation to establish an ad hoc Task Group [AHTG] (Data) to identify types of data that must be treated as confidential and to develop draft rules and procedures to govern the security and confidentiality of data collected and held by the Commission.

2. In support of the work of the AHTG (Data), the Secretariat, in collaboration with members of the Scientific Committee's Statistics Specialist Working Group (S-SWG), circulated the following draft documents on 6 April 2006 for comment:

- Draft Rules and Procedures for the Security of Data held by the WCPFC.
- Draft Principles and Procedures for Dissemination by the Commission of Fisheries Compliance Data
- Draft Principles and Procedures for the Dissemination of Scientific Data by the Commission.

3. Comments on the above drafts received from Members by 31 May 2006 included a recommendation that the AHTG (Data) should also consider a consolidated approach to compliance and scientific data dissemination. The attached document (Appendix A) has been prepared in response to that recommendation for the consideration of the AHTG (Data).



DRAFT
RULES FOR ACCESS TO, AND USE OF, WCPFC DATA
Version 1.0
[July 2006]

Western and Central Pacific Fisheries Commission
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Rules for access to, and use of, WCPFC data Principles and Procedures for the Dissemination of Scientific Data by the Commission

1. Principles

1.1 ~~The basic principle for access to, and use of, the dissemination by the Commission of WCPFC fisheries compliance data is that data provided to the Commission by Members as part of their membership obligations should be accessible to the Commission and Members only for the purpose of work described in the Convention.~~

1.2 ~~In the case of requests from persons or organizations other than Members for all instances of the dissemination of data shall be authorized by the sources of that data. The authorization to disseminate data that the Commission deems not to be in the public domain, then authorization shall be taken for granted. The authorization to disseminate data that the Commission does not deem to be in the public domain shall be sought from the sources of the requested data, and, when authorized, the persons and organizations individuals that have requested the data must sign a Confidentiality Agreement (Appendix 1) prior to the release of that data.~~

1.3 ~~The Commission Secretariat shall have access to WCPFC data for the purposes of publication of Commission meeting papers and reports, and dissemination in outside publications at the discretion of the Executive Director~~

~~The basic principle for the dissemination of data for scientific research by the Commission is that all instances of the dissemination of data shall be authorised by the sources of the data. The authorisation to disseminate data that the Commission considers to be in the public domain shall be taken for granted. The authorisation to disseminate data that the Commission does not consider to be in the public domain shall be sought from the sources of the requested data and, when authorised, the individual scientists that have requested the data must sign a Confidentiality Agreement prior to the release of the data.~~

~~The Commission shall disseminate scientific data according to the following procedures.~~

2. Data to be accessed

a1. ~~Estimates of annual catches~~

~~An Estimates of annual catches of target and major non-target species by flag, gear type and statistical area. are considered to be in the public domain. They shall be (a) published in statistical bulletins, (b) made available for downloading on the Internet and (c) released on request.~~

b2. ~~Catch and effort data~~

~~Longline catch and effort data aggregated by 5° longitude and 5° latitude and month, and surface catch and effort data aggregated 1° longitude and 1° latitude and month, for individual fishing nations or entities, which have been raised to represent total catch and effort, are considered to be in the public domain, provided that the catch of no individual~~

vessel can be identified within a stratum. In cases when an individual vessel can be identified, the data shall be aggregated to preclude such identification.

c3. Other types of scientific data

~~The principles and procedures for the dissemination of catch and effort data shall also apply to the dissemination of Other types of scientific data (e.g. size composition data, tagging data, fecundity data), by the Commission.~~

d. Vessel Monitoring System (VMS) Information

VMS information, including vessel position, speed and direction ~~locations~~, of ~~from~~ individual vessels.

e. Fishing Authorizations

~~All information in The Executive Director shall ensure that due publicity is given to the WCPFC Vessel Record of Fishing Vessels.~~

f. Fisheries Observer Data

All observer and port sampling data.

3. Procedures

a. Estimates of annual catches

Estimates of annual catches ~~They~~ shall be (ia) published in statistical bulletins, (iib) made available for downloading on the Internet and (iiie) released on request.

b. Catch and effort data

Catch and effort data ~~considered to be in the public domain~~ shall be (ia) made available for downloading on the Internet and (iib) released on request. Catch and effort data aggregated at a finer resolution of time and area, and operational catch and effort data, may be released with authorisation from the sources of the requested data, subject to acceptance of the Confidentiality Agreement, ~~below.~~

c. Other types of scientific data

The principles and procedures for the dissemination of catch and effort data shall also apply to the dissemination of other types of scientific data.

d. Vessel Monitoring System (VMS) information

i. VMS information, including vessel position, speed and direction ~~locations~~, from individual vessels shall be released on request ~~used for compliance purposes only~~⁺; ~~namely for:~~

- a. for active surveillance presence, and/or inspections by a Member in the high seas areas of the Convention Area in accordance with the high seas boarding and inspection procedures adopted under Article 26 of the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (Commission System of Inspection);
- b. in accordance with the Commission's Trade Documentation Scheme (when adopted) for the purposes of verifying the content of trade documents relating to catches from the high seas areas of the Convention Area (where applicable);
- c. for cross-checking with logsheets and observer reports; and
- d. by coastal States in relation to '50 nautical mile buffer zones' around their respective EEZs.

~~ii.2.3~~ In cases relating to saving of life at sea, the Executive Director may provide VMS information, including vessel positions, from individual vessels to authorized search and rescue organizations without prior consent of the provider of that VMS information.

~~iii.2.34~~ The Commission shall place a list of vessels submitting VMS information on a password-protected section of the WCPFC website. The list shall be posted monthly by the Secretariat, establishing an electronic archive.

e. Fishing authorizations

~~All information in The Executive Director shall ensure that due publicity is given to the WCPFC Vessel Record of Fishing Vessels shall be in the public domain~~

f. Fisheries observer data

Members shall have access to all observer and port sampling data unless the Commission determines otherwise.

4. Confidentiality Agreement for the dissemination of non-public domain data

Individuals requesting non-public domain data shall provide a description of the ~~scientific~~ research project, including the objectives, methodology and intentions regarding publication. The research project must be consistent with the objective of the Convention, i.e., to ensure, through effective management, the long-term conservation and sustainable use of highly migratory fish stocks in the Western and Central Pacific Ocean.

~~Prior to the release of non public domain data, the individuals requesting the data shall sign a Confidentiality Agreement that states:~~

⁺~~In cases relating to saving of life at sea, the Executive Director may provide VMS information, including vessel locations, from individual vessels to authorized search and rescue organizations without prior consent of the provider of that VMS information.~~

- a. ~~Prior to the publication of the results of the research project, the manuscript shall be provided to and cleared by the Executive Director, who shall ensure that any data that are published are considered to be in the public domain.~~
- b. ~~The data shall be (ia) used only for the research project for which the data were requested, (iib) accessed only by the individuals requesting the data, and (iiic) destroyed upon completion of the research project.~~
- c. ~~All published reports of the results of the research project shall be provided to the Executive Director for subsequent forwarding to the sources of the data, and to the Scientific Committee and Technical and Compliance Committee.~~

If the sources of the data have authorised the use of the data under conditions that are different from those presented in the draft Confidentiality Agreement above, then the Confidentiality Agreement will be modified accordingly.

5. Documentation of the dissemination of WCPFC scientific data by the Commission

The Executive Director shall document all requests for WCPFC scientific data and the responses to the requests, and shall make the documentation available for periodic review by the ~~Scientific Committee~~ Commission and its subsidiary bodies.

WESTERN AND CENTRAL PACIFIC FISHERIES COMMISSION

DRAFT CONFIDENTIALITY AGREEMENT

I, (Insert Full Name), of (Insert Full Residential or Business Address), hereby request the release of (Insert details of non-public domain WCPFC data) for the purpose of (Insert details of purpose to which non-public domain WCPFC data will be used by the applicant) on the following conditions.

a. Prior to the publication of the results of the research project, the manuscript shall be provided to and cleared by the Executive Director, who shall ensure that any data that are published are considered to be in the public domain;

b. The data shall be

i. used only for the research project for which the data were requested,

ii. accessed only by the individuals requesting the data, and

iii. destroyed upon completion of the research project.

c. All published reports of the results of the research project shall be provided to the Executive Director for subsequent forwarding to the sources of the data, and to the Scientific Committee and Technical and Compliance Committee.

Name of Applicant.....

Signature of Applicant

Name of Witness.....

Signature of Witness.....

Date.....