



**AD HOC TASK GROUP
[DATA]**

31 July - 4 August 2006
Manila, Philippines

SUPPLEMENTARY BACKGROUND

WCPFC/AHTG [Data]/2006/08

Paper prepared by the Secretariat

1. At the first regular session of the Scientific Committee (SC) at Noumea 8-19 August 2005, the Statistics SWG recommended that the Commission establish an ad hoc Task Group to:

- Identify types of data that must be treated as confidential, and
- develop draft rules and procedures to govern the security and confidentiality of data collected and held by the Commission.

2. The Scientific Committee endorsed this as a recommendation to the Commission, noting that the ad hoc Task Group would consider a broad range of issues related to the security and confidentiality of all types of data provided to the Commission, including issues related to the dissemination of data for scientific purposes and for compliance purposes.

3. It was suggested that the Executive Director convene the Task Group during 2006 and that membership consist of representatives of the SC, the Technical and Compliance Committee (TCC), the Secretariat of the Pacific Community's Oceanic Fisheries Programme (SPC-OFP), and interested Commission members and cooperating non-members. The second regular session of the Commission accepted these suggestions when it adopted the report of the first session of the SC at its meeting at Pohnpei in December 2005.

Background

4. Data provided at sufficiently fine-scale resolution, and its efficient management, are cornerstones of effective cooperative arrangements for the conservation and management of fish stocks. For decades regional fisheries organisations and arrangements, including those concerned with western and central Pacific Ocean (WCPO) highly migratory fish stocks, such as the SPC-OFP, have given considerable

thought to the acquisition of complete and accurate data, the use of that data and its management (including its security)¹.

5. The critical role of data for the effective conservation and management of fish stocks was a central issue discussed during the negotiations leading to the UN Fish Stocks Agreement. Those negotiations resulted in Annex I of the Agreement, *Standard Requirements for the Collection and Sharing of Data* (Attachment A).

6. The Multilateral High Level Conference (MHLC) drew significantly on the provisions of the Agreement throughout the negotiations that resulted in the *Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean* (the WCPFC Convention). Articles 5 and 6 of the WCPFC Convention describe the principles and measures, including the development of data collection and research programmes, which will be applied for conservation and management in the Convention Area².

7. Article 5 places a broad range of data-related obligations on Members, Participating Territories and Cooperating Non-members (CCMs), including in relation to securing the best scientific evidence, measures to ensure long-term sustainability of target species, assess the impacts of fishing, minimize waste and impacts on non-target species, promote effective fishing gear and techniques, protect biodiversity and the marine environment, manage fishing capacity, consider the interests of artisanal and subsistence fishermen and support effective monitoring, control and surveillance.

Science data

8. Article 23 (2)(a) of the WCPFC Convention requires that each Member of the Commission shall:

“provide annually to the Commission statistical, biological and other data and information in accordance with Annex I of the Agreement and, in addition, such data and information as the Commission may require”.

Article 23 (2)(b) elaborates further on the data submission obligations of Members and Article 10 (1) (d, e, f, i and j) describes the functions of the Commission in respect of data..

9. The MHLC, at the conclusion of its work in 2000, established a Preparatory Conference (PrepCon) to consider a broad range of administrative, technical and logistical matters associated with operationalizing the WCPFC Convention. The PrepCon

¹ The current rules of access to, and dissemination of, data in CCAMLR, SPC-OFP, IATTC and IOTC are presented at Attachment F for information.

² A comprehensive summary of legal issues concerning fisheries data with a focus on the WCPFC Convention is available on the SPC website – Maranrangi-Trott, L. 2004. *Legal aspects governing fisheries data*. 17th Meeting of the Standing Committee on Tuna and Billfish, SCTB17 Working Paper SWG-8. 16 pages.

met for the first time in April 2001 in Christchurch, New Zealand, where it established two open-ended working groups:

- Working Group I (WGI) on issues relating to the organisational structure of the Commission, its budget and financial contributions.
- Working Group II (WGII) on the scientific structure of the Commission and the provision of interim scientific advice.

10. During the second session of the Preparatory Conference (PrepCon2), WGII gave preliminary consideration to the Commission's needs with respect to:

- Data requirements, including current gaps in data coverage and standards for data collection and management;
- Science, and in particular stock assessment and advice on stock status in the short term and ongoing;
- Research priorities and research planning and co-ordination; and
- Review of assessments, analyses and other scientific work.

11. WGII established an ad-hoc task group to consider the future information needs to support discussions and progress on matters related to the scientific activities of the Commission. Drawing upon the material from the ad-hoc task group the working group agreed to:

- an investigation of the technical capabilities, and security and data-sharing policies of existing organisations, including those of participants in the Preparatory Conference, with the view of possibly contracting out interim data services.
- a compilation and review of standards for collection, verification and for the timely exchange and reporting of data on fisheries currently practised by existing arrangements (e.g. SCTB, ISC, IATTC, CCAMLR, CCSBT and ICCAT) and an assessment of their suitability for use by the Commission.

12. During the third session of the Preparatory Conference (PrepCon3), held in Manila, a paper (WCPFC/PrepCon/WP.10) addressing these matters was presented at a meeting of WGII. Having considered the revisions and updates recommended by WGII, it was decided that, in place of WCPFC/PrepCon/WP.10, two distinct papers would best suite the needs of the PrepCon; the first addressing data standards and the second addressing technical capabilities and data security and confidentiality policies in the WCPO region (WCPFC/PrepCon/WP.16 Rev.1). Both these papers are available on the WCPFC website (www.wcpfc.int).

13. The final report of WGII to the Preparatory Conference (WCPFC/PrepCon/45) includes, at Annex IV, advice on data standards and other related data issues (Attachment B).

14. The Statistics Specialist Working Group (ST-SWG) which met during the first regular session of the Scientific Committee at Noumea, New Caledonia, 8-18 August

2005, considered data-related tasks of the Scientific Committee³. The Commission, at its December 2005 session at Pohnpei, Federated States of Micronesia, in adopting the report and recommendations of the first regular session of the Scientific Committee, endorsed the establishment of the ad hoc Task Group (AHTG [Data]) to:

- identify the 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.

To support the work of the AHTG [Data], the Scientific Committee provided draft text in relation to the principles and procedures for the dissemination of scientific data by the Commission (Attachment C).

15. In addition, the Commission adopted two recommendations from the Scientific Committee – one relating to scientific data to be provided to the Commission (Attachment D) and the second describing standards for the provision of operational level catch and effort data to the Commission (Attachment E).

16. While the guidelines for scientific data to be provided to the Commission generally cover scientific data for fishing operations for target species other data requirements associated with Article 5 remain to be elaborated. Drawing also on guidelines from Article 3 of Annex I of the Agreement, these include scientific data relating to:

- the ecosystem (oceanographic/habitat data);
- biodiversity (species descriptions, habitat, biological data (genetic information, life cycle, reproductive biology, species associations, trophic relationships, etc.);
- non-target species (biological data, fisheries data);
- endangered species (biological data, fisheries data);
- species belonging to the same ecosystem or dependent upon or associated with non-target stocks (biological data, fisheries data);
- measures to minimise waste;
- discards (retention);
- research programmes relating to environmentally-safe and cost-effective fishing gear and techniques;
- fishing capacity management;
- artisanal and subsistence fisheries (socio-economic, fisheries information, etc.);
- other research programmes, such as tagging;

Historical data

17. In relation to the work of the AHTG [Data] the Commission would benefit from a clear policy in relation to the historical (pre June 2004) scientific data held by the SPC-OFP on behalf of Commission Members.

³ Lawson. T. 2005. *Data-related tasks of the WCPFC Scientific Committee*. WCPFC-SC1 ST WP-2. 23 pages.

Compliance data

18. Some members of the Commission have cooperated under the auspices of sub-regional or regional arrangements on compliance-related activities in the WCPO for many years. However, the Commission as a whole has limited experience with the collection and management of the compliance-related data. In fact, as many of the elements of WCPFC Convention relating to compliance remain to be operationalized (the regional observer programme, harmonised port State Measures, VMS, etc.), considerably more work is required to identify the types of compliance data that will be treated as confidential and the rules and procedures to govern the security and confidentiality of that data. While the AHTG [Data] can make useful progress in an endeavour to identify data types and the rules and procedures for the dissemination of that data it may be several years before the Commission is able to adopt a comprehensive policy covering data associated with all the compliance elements of the Convention.

19. The AHTG [Data] at Manila may thus best use its time by:
- Identifying and describing compliance-related data that should be supplied to the Commission under arrangements that are either already operational, or will be in the near future;
 - Utilising the work on science-related data as a guide, draft rules and procedures for the security and confidentiality of these data; and
 - Considering a program of work for the AHTG to provide on-going support to the Commission in relation to data management associated with the operationalization of the Commission's regulatory framework.

In association with members of the ST-SWG the Secretariat prepared documents to support the initial deliberations of the AHTG in relation to the first two tasks.

20. The types of compliance-related information that will be managed by the Commission will include data relating to:
- the control of nationals and fishing vessels flying its flag (Article 23(5));
 - the operation of vessels within the zones of other States (Article 23(3));
 - the record of fishing vessels (Article 24(4) and Annex IV);
 - vessel monitoring (Article 24);
 - prosecutions (Article 25);
 - boarding and inspection (Article 26);
 - port State measures (Article 27);
 - transshipment (Article 29);
 - IUU fishing;
 - Maritime boundaries;
 - exchange of information on vessels flying the flag of non-parties (Article 32(2)); and
 - a regional observer programme that will possibly acquire both scientific and compliance-related data (Article 28).

Other information

21. The Convention, at Article 10 (j), also provides for the acquisition and evaluation of “economic and other fisheries-related data and information relevant to the work of the Commission”. This may include socio-economic data, market data, trade data and information generated, for example, by catch or statistical documentation schemes.

Way forward?

22. Although it may be beneficial to some spend time considering the types of data that could be generated as a result of the operationalization of all the provisions of the WCPF Convention it will be challenging for the AHTG [Data] to identify all the types of data likely to be generated under full operationalization at this meeting.

23. Time may be usefully spent considering broad principles relating to the rules of access to, and use of, different broad types of data that may be applied in the short to medium term with subsequent consideration of any outstanding work required for data that may be generated in the future? With this in mind, the table below is presented as a basis for discussion.

24. Additional areas that may benefit from discussion during the AHTG [Data] include the definition of the levels of confidentiality (public domain, low, medium, high, etc.) and consideration of the future role of the AHTG [Data] as the implementation of the Convention evolves.

Table 1. Provisional identification of types of information and confidentiality classification.

Information type	Confidentiality classification [Short term]	Continuity classification⁴ [Long term]
Operational level Catch Effort data	High	High
Annual catch estimates stratified by gear/flag and species.	Public	Public
Aggregated catch and effort data stratified by gear/year/month, 5x5 (LL) or 1x1 (surface), and flag.	Public	Public
Operational level Observer Catch Effort data	High	High
Records of vessel unloading	High?	High?
Transshipment [carrier]	Low	Low
Biological data	Low	High
Tagging data	Low	High
Vessel and gear attributes	Low	Medium
Oceanographic and meteorological data	Public	Medium
Authorization to fish	Public	Medium
VMS Register/Vessel Record	Public	Medium
VMS Vessel position, direction and speed	High	High
Boarding and Inspection	High	High
Certified observer personnel	Low	Low
Certified inspection personnel	Low	Low
Catch documentation scheme	High	High
Port State measures and procedures	Public	Low
Violations and infringements	High	High

⁴ See Appendix D Draft Information Security Policy.

ANNEX I: UN FISH STOCKS AGREEMENT
Standard Requirements For Collection And Sharing Of Data

Article 1 General Principles

1. The timely collection, compilation and analysis of data are fundamental to effective conservation and management of straddling fish stocks and highly migratory fish stocks. To this end, data from fisheries for these stocks on the high seas and those in areas under national jurisdiction are required and should be collected and compiled in such a way as to enable statistically meaningful analysis for the purposes of fishery resource conservation and management. These data include catch and fishing effort statistics and other fishery-related information, such as vessel-related and other data for standardizing fishing effort. Data collected should also include information on non-target and associated and dependent species. All data should be verified to ensure accuracy. Confidentiality of non-aggregated data shall be maintained. The dissemination of such data shall be subject to the terms on which they have been provided.

2. *Assistance, including training and financial and technical assistance, shall be provided* to developing States in order to build capacity in the field of conservation and management of living marine resources. Assistance should focus on enhancing capacity to implement data collection and verification, observer programmes, data analysis and research projects supporting stock assessments. The fullest possible involvement of developing State scientists and managers in conservation and management of straddling fish stocks and highly migratory fish stocks should be promoted.

Article 2 Principles of data collection, compilation and exchange

The following general principles should be considered in defining the parameters for collection, compilation and exchange of data from fishing operations for straddling fish stocks and highly migratory fish stocks:

- (a) States should ensure that data are collected from vessels flying their flag on fishing activities according to the operational characteristics of each fishing method (e.g. each individual tow for trawl, each set for long-line and purse-seine, each school fished for pole-and-line and each day fished for troll) and in sufficient detail to facilitate effective stock assessment;
- (b) States should ensure that fishery data are verified through an appropriate system;
- (c) States should compile fishery-related and other supporting scientific data and provide them in an agreed format and in a timely manner to the relevant subregional or regional fisheries management organization or arrangement where one exists. Otherwise, States should cooperate to exchange data directly or through such other cooperative mechanisms as may be agreed among them;
- (d) States should agree, within the framework of subregional or regional fisheries management organizations or arrangements, or otherwise, on the specification of data and the format in which they are accordance with this Annex and taking into account the nature of the stocks and the fisheries for those stocks in the region.

Such organizations or arrangements should request non-members or non-participants to provide data concerning relevant fishing activities by vessels flying their flag;

(e) such organizations or arrangements shall compile data and make them available in a timely manner and in an agreed format to all interested States under the terms and conditions established by the organization or arrangement; and

(f) scientists of the flag State and from the relevant subregional or regional fisheries management organization or arrangement should analyze the data separately or jointly, as appropriate.

Article 3 Basic Fishery Data

1. States shall collect and make available to the relevant subregional or regional fisheries management organization or arrangement the following types of data in sufficient detail to facilitate effective stock assessment in accordance with agreed procedures:

(a) time series of catch and effort statistics by fisheries and fleet;

(b) total catch in number, nominal weight, or both, by species (both target and non-target) as is appropriate to each fishery. [Nominal weight is defined by the Food and Agriculture Organization of the United Nations as the live-weight equivalent of the landings];

(c) discard statistics, including estimates where necessary, reported as number or nominal weight by species, as is appropriate to each fishery;

(d) effort statistics appropriate to each fishing method; and

(e) fishing location, date and time fished and other statistics on fishing operations as appropriate.

2. States shall also collect where appropriate and provide to the relevant subregional or regional fisheries management organization or arrangement information to support stock assessment, including:

(a) composition of the catch according to length, weight and sex;

(b) other biological information supporting stock assessments such as information on age, growth, recruitment, distribution and stock identity; and

(c) other relevant research, including surveys of abundance, biomass surveys, hydro-acoustic surveys, research on environmental factors affecting stock abundance, and oceanographic and ecological studies.

Article 4 Vessel data and information

1. States should collect the following types of vessel-related data for standardizing fleet composition and vessel fishing power and for converting between different measures of effort in the analysis of catch and effort data:

(a) vessel identification, flag and port of registry;

(b) vessel type;

(c) vessel specifications (e.g. material of construction, date built, registered length, gross registered tonnage, power of main engines, hold capacity and catch storage methods); and

(d) fishing gear description (e.g. types, gear specifications and quantity).

The flag State will collect the following information:

- (a) navigation and position fixing aids;
- (b) communication equipment and international radio call sign; and
- (c) crew size.

Article 5 Reporting

A State shall ensure that vessels flying its flag send to its national fisheries administration and, where agreed, to the relevant subregional or regional fisheries management organization or arrangement, log book data on catch and effort, including data on fishing operations on the high seas, at sufficiently frequent intervals to meet national requirements and regional and international obligations. Such data shall be transmitted, where necessary, by radio, telex, facsimile or satellite transmission or by other means.

Article 6 Data Verification

States or, as appropriate, subregional or regional fisheries management organizations or arrangements should establish mechanisms for verifying fishery data, such as:

- (a) position verification through vessel monitoring systems;
- (b) scientific observer programmes to monitor catch, effort, catch composition (target and non-target) and other details of fishing operations;
- (c) vessel trip, landing and transshipment reports; and
- (d) port sampling.

Article 7 Data exchange

1. Data collected by flag States must be shared with other flag States and relevant coastal States through appropriate subregional or regional fisheries management organizations or arrangements. Such organizations or arrangements shall compile data and make them available in a timely manner and in an agreed format to all interested States under the terms and conditions established by the organization or arrangement, while maintaining confidentiality of non-aggregated data, and should, to the extent feasible, develop database systems which provide efficient access to data.

2. At the global level, collection and dissemination of data should be effected through the Food and Agriculture Organization of the United Nations. Where a subregional or regional fisheries management organization or arrangement does not exist, that Organization may also do the same at the subregional or regional level by arrangement with the States concerned.

FINAL REPORT OF PREPCON WGII
[Scientific Structure and Provision of Interim Scientific Advice]

ANNEX IV

III. ADVICE ON DATA STANDARDS AND OTHER DATA RELATED ISSUES

WG.II noted the following data-related-tasks that need to be addressed by the Commission's Scientific Committee:

- Draft the terms of reference of the Statistics Working Group
- Draft a resolution on the scientific data to be provided by members of the Commission under Article 23 of the Convention
- Draft a resolution on the principles and procedures for the dissemination of scientific data by the Commission
- Advise the Commission regarding the contents of an annual report on the status of the collection, compilation and dissemination of data to be provided by the Commission's data managers
- Monitor the status of data collection in the Philippines and the Pacific Ocean waters of Indonesia
- Develop a strategy for improving the capacity of members to meet the data requirements of the Commission
- Establish standards for the collection of scientific data, including operational catch and effort data, port sampling data and observer data
- Advise the Commission regarding the scientific aspects of the regional observer programme to be developed under Article 28 of the Convention
- Establish procedures for evaluating the quality of the scientific data compiled by the Commission
- Harmonize data collection standards for the Western and Central Pacific Ocean and the Eastern Pacific Ocean in collaboration with the Inter-American Tropical Tuna Commission
- Establish an agreement on the exchange of tuna fisheries data between the Inter-American Tropical Tuna Commission and the Commission
- Harmonize the procedures for the compilation and dissemination of data by the Commission and the Interim Scientific Committee for Tuna and Tuna-Like Species in the North Pacific Ocean
- Recommend that the Commission become a member of the Coordinating Working Party on Fishery Statistics
- Recommend that the Commission become a partner in the Fisheries Resources Monitoring System

The major issues raised during discussions included criteria defining public domain data; confidentiality of data; the geographic area for which data should be compiled by the

Commission; the need for the best scientific data; the use of data by the Commission for compliance purposes; and the need to avoid burdening developing states in regard to data.

WG.II recommended that the Commission take into consideration the following when it establishes data-related policies and develops work programmes:

- SCTB17 WP SWG-8 (legal aspects governing fisheries data);
- SCTB17 WP SWG-6 (information regarding anticipated data-related tasks for the WCPFC Scientific Committee);
- The report of the Statistics Working Group meeting to consider anticipated data related tasks for the Commissions Scientific Committee;
- This report of SCG 3.

Recommendation SC1–ST–3

**Principles and Procedures for the Dissemination of Scientific Data
by the Commission**

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.

1. *Estimates of annual catches*

An estimate 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.

2. *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.

Catch and effort data considered to be in the public domain shall be (a) made available for downloading on the Internet and (b) 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.

3. *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) by the Commission.

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:

- 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.
- The data shall be (a) used only for the research project for which the data were requested, (b) accessed only by the individuals requesting the data, and (c) destroyed upon completion of the research project.
- 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.

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

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

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

Recommendation SC1–ST–1

Scientific Data to be provided to the Commission

1. Estimates of annual catches

The following estimates of catches during each calendar year shall be provided to the Commission for each gear type:

- Catches of bigeye (*Thunnus obesus*), skipjack (*Katsuwonus pelamis*), yellowfin (*Thunnus albacares*), striped marlin (*Tetrapturus audax*), blue marlin (*Makaira mazara*), black marlin (*Makaira indica*) and swordfish (*Xiphias gladius*) in (i) the WCPFC Statistical Area (see paragraph 8 below) and (ii) the portion of the WCPFC Statistical Area east of the 150° meridian of west longitude; and

- Catches of albacore (*Thunnus allege*), striped marlin and swordfish in (i) the Pacific Ocean South of the Equator, (ii) the Pacific Ocean North of the Equator, (iii) the WCPFC Statistical Area North of the Equator, (iv) the WCPFC Statistical Area South of the Equator, and (v) the portion of the WCPFC Statistical Area east of the 150° meridian of west longitude. For trollers targeting albacore in the Pacific Ocean South of the Equator, the following estimates of catches during the fishing season (July to June) should also be provided:

- Catches of albacore in the Pacific Ocean South of the Equator.

Catch estimates shall also be provided for other species as determined by the Commission.

Estimates of discards should also be provided.

Longline catch estimates shall be for whole weight, rather than processed weight.

All catch estimates shall be reported in tonnes (i.e. metric tons).

The statistical methods that are used to estimate the annual and seasonal catches shall be reported to the Commission, with reference to the coverage rates for each type of data (e.g., operational level catch and effort data, records of unloadings, species composition sampling data) that is used to estimate the catches and to the conversion factors that are used to convert the processed weight of longline-caught fish to whole weight.

2. Number of vessels active

The number of vessels active in the WCPFC Statistical Area during each calendar year shall be provided to the Commission for each gear type.

For longliners, pole-and-line vessels and purse seiners, the number of vessels active shall be provided by gross registered tonnage (GRT) class. The GRT classes are defined as follows:

- Longline: 0–50, 51–200, 201–500, 500+
- Pole-and-line: 0–50, 51–150, 150+
- Purse seine: 0–500, 501–1000, 1001–1500, 1500+

For trollers targeting albacore in the Pacific Ocean South of the Equator, the number of vessels active in the WCPFC Statistical Area during the fishing season (July to June), shall also be provided and should be provided for the Pacific Ocean South of the Equator.

3. Operational level catch and effort data

Operational level catch and effort data (e.g., individual sets by longliners and purse seiners, and individual days fished by pole and line vessels and trollers) shall be provided to the Commission, in accordance with standards to be established by the Commission.

It is recognised that certain members and cooperating non-members of the Commission may be subject to domestic legal constraints, such that they may not be able to provide operational data to the Commission until such constraints are overcome. Until such constraints are overcome, aggregated catch and effort data and size composition data as described in (4) and (5) below shall be provided. Unraised longline catch and effort data stratified by the number of hooks between floats and the finest possible resolution of time period and geographic area shall also be provided.

It is also recognised that certain members and cooperating non-members of the Commission may have practical difficulties in compiling operational data for fleets comprised of small vessels, such as certain sectors of the fisheries of Indonesia, the Philippines and small island developing States.

4. Catch and effort data aggregated by time period and geographic area

If the coverage rate of the operational level catch and effort data that are provided to the Commission is less than 100%, then catch and effort data aggregated by time period and geographic area that have been raised to represent the total catch and effort shall be provided. Longline catch and effort data shall be aggregated by periods of month and areas of 5° longitude and 5° latitude. Catch and effort data for surface fisheries shall be aggregated by periods of month and areas of 1° longitude and 1° latitude.

If the coverage rate of the operational catch and effort data that are provided to the Commission is less than 100%, then catch and effort data that have been raised to represent the total catch and effort shall also be aggregated by periods of year and areas of national jurisdiction and high seas within the WCPFC Statistical Area.

The statistical methods that are used to derive the aggregated catch and effort data shall be reported to the Commission, with reference to the coverage rates of the operational catch and effort data, and the types of data and method used to raise the catch and effort data.

5. *Size composition data*

Length and/or weight composition data that are representative of catches by the fisheries are essential for stock assessments and shall therefore be provided to the Commission at the finest possible resolution of time period and geographic area.

6. *The roles of flag states and coastal states*

Flag states or entities shall be responsible for providing to the Commission scientific data covering vessels they have flagged, except for vessels operating under joint-venture or charter arrangements with another state such that the vessels operate, for all intents and purposes, as local vessels of the other state, in which case the other state shall be responsible for the provision of data to the Commission.

It is recognised that the ability of flag States or entities to provide scientific data to the Commission may be constrained by the terms of bilateral or regional arrangements, such as the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America.

Scientific data compiled by coastal states shall also be provided to the Commission.

7. *Time periods covered and schedule for the provision of data*

Estimates of annual or seasonal catches should be provided to the Commission from 1950 onwards or from the year in which the fleet began operating.

Operational catch and effort data, and size composition data, should be provided for all years, starting with the first year for which the data are available.

For all gear types, except trollers targeting albacore in the Pacific Ocean South of the Equator, estimates of annual catches, the number of vessels active, catch and effort data, and size composition data, covering a calendar year should be provided by April 30 of the year following the calendar year (e.g., data covering calendar year 'x' should be provided by 30 April of year 'x+1').

For trollers targeting albacore in the Pacific Ocean South of the Equator, estimates of annual catches, the number of vessels active, catch and effort data, and size composition data, covering a fishing season (July to June) should be provided by April 30 of the year following the year in which the season ends (e.g., data covering the season from July of year 'x' to June of year 'x+1' should be provided by 30 April of year 'x+2').

Estimates of annual catches, the number of vessels active, catch and effort data, and size composition data should be revised, and the revisions provided to the Commission, as additional data become available.

8. Definition of the WCPFC Statistical Area

The WCPFC Statistical Area is defined as follows: from the South coast of Australia due South along the 141° meridian of east longitude to its intersection with the 55° parallel of South latitude; thence due east along the 55° parallel of South latitude to its intersection with the 150° meridian of east longitude; thence due South along the 150° meridian of east longitude to its intersection with the 60° parallel of South latitude; thence due east along the 60° parallel of South latitude to its intersection with the 130° meridian of west longitude; thence due North along the 130° meridian of west longitude to its intersection with the 4° parallel of South latitude; thence due west along the 4° parallel of South latitude to its intersection with the 150° meridian of west longitude; thence due North along the 150° meridian of west longitude; and from the North coast of Australia due North along the 129° meridian of east longitude to its intersection with the 8° parallel of South latitude, thence due west along the 8° parallel of South latitude to the Indonesian peninsula; and from the Indonesian peninsula due east along the 2°30' parallel of North latitude to the Malaysian peninsula.

9. Periodic reviews of the requirements for scientific data

The Commission, through its Scientific Committee, shall periodically review the requirements for scientific data and shall provide the Commission with revised versions of this recommendation, as appropriate.

Recommendation SC1–ST–2

**Standards for the Provision of Operational Level Catch and Effort Data
to the Commission**

1. Data items that shall be reported to the Commission

1.1 Vessel identifiers, for all gear types

Name of the vessel, country of registration, registration number, international radio call sign: The registration number is the number assigned to the vessel by the State that has flagged the vessel. A code may be used as a vessel identifier instead of the name of the vessel, registration number and call sign for vessels that have fished and that intend to fish only in the waters of national jurisdiction of the State that has flagged the vessel.

1.2 Trip information, for all gear types

The start of a trip is defined to occur when a vessel (a) leaves port after unloading part or all of the catch to transit to a fishing area or (b) recommences fishing operations or transit's to a fishing area after transshipping part or all of the catch at sea (when this occurs in accordance with the terms and conditions of article 4 of Annex III of the Convention, subject to specific exemptions as per article 29 of the Convention).

Port of departure, date of departure, port of unloading, date of arrival in port of unloading: If the start of a trip coincides with recommencing fishing operations or transiting to a fishing area after transshipping part or all of the catch at sea, then “Transshipment at sea” shall be reported in lieu of the port of departure, and if the end of a trip coincides with transshipping part or all of the catch at sea, then “Transshipment at sea” shall be reported in lieu of the port of unloading.

1.3 Information on operations by longliners

Activity: This item should be reported for each set and for days on which no sets were made, from the start of the trip to the end of the trip. Activities should include “a set”; “no fishing — in transit”; “no fishing — gear breakdown”; “no fishing — bad weather”; and “no fishing — in port”.

Date of start of set and time of start of set: The date and start of set time should be GMT/UTC. If no sets are made, the date and main activity should be reported.

Position of start of set: The position of start of set should be reported in units of at least minutes of latitude and longitude. If no sets are made, the noon position should be reported.

Number of hooks per set.

Number of branch lines between floats. The number of branch lines between floats should be reported for each set.

Number of fish caught per set, for the following species: albacore (*Thunnus alalunga*), bigeye (*Thunnus obesus*), skipjack (*Katsuwonus pelamis*), yellowfin (*Thunnus albacares*), striped marlin (*Tetrapturus audax*), blue marlin (*Makaira mazara*), black marlin (*Makaira indica*) and swordfish (*Xiphias gladius*), and other species as determined by the Commission.

If the total weight or average weight of fish caught per set have been recorded, then the total weight or average weight of fish caught per set, by species, should also be reported. If the total weight or average weight of fish caught per set have not been recorded, then the total weight or average weight of fish caught per set, by species, should be estimated and the estimates reported. The total weight or average weight shall refer to whole weights, rather than processed weights.

1.4 Information on operations by pole-and-line vessels and related gear types

Activity: This item shall be reported for each day, from the start of the trip to the end of the trip. Activities should include “a day fishing or searching with bait onboard”; “no fishing — collecting bait”; “no fishing — in transit”; “no fishing — gear breakdown”; “no fishing — bad weather”; and “no fishing — in port”.

Date: The date should be GMT/UTC.

Noon position: The noon position should be reported in units of at least minutes of latitude and longitude.

Weight of fish caught per day, for the following species: albacore, bigeye, skipjack, yellowfin, and other species as determined by the Commission.

1.5 Information on operations by purse-seiners and related gear types

Activity: This item shall be reported for each set and for days on which no sets were made, from the start of the trip to the end of the trip. Activities should include “a set”; “a day searched, but no sets made”; “no fishing — in transit”; “no fishing — gear breakdown”; “no fishing — bad weather”; and “no fishing — in port”.

Date of start of set, time of start of set and time of end of set: The date and time of the start of set and the time of end of set should be GMT/UTC. If no sets are made, the date and main activity should be reported.

Position of set or noon position: If a set is made, then the position of the set shall be reported. If searching occurs, but no sets are made, then the noon position shall be reported. The position should be reported in units of at least minutes of latitude and longitude.

School association: All common types of school association should be reported, while uncommon types of association should be reported as “other”. Common types of school association are “free-swimming” or “unassociated”; “feeding on baitfish”; “drifting log, debris or dead animal”; “drifting raft, FAD or payao”; “anchored raft, FAD or payao”; “live whale”; and “live whale shark”.

Weight of fish caught per set, for the following species: albacore, bigeye, skipjack, yellowfin, and other species as determined by the Commission.

1.6 Information on operations by trollers and related gear types

Activity: This item shall be reported for each day, from the start of the trip to the end of the trip. Activities should include “a day fished”; “no fishing — in transit”; “no fishing — gear breakdown”; “no fishing — bad weather”; and “no fishing — in port”.

Date: The date should be GMT/UTC.

Noon position: The noon position should be reported in units of at least minutes of latitude and longitude.

Number of fish caught per day, for the following species: albacore, bigeye, skipjack, yellowfin, and other species as determined by the Commission.

If the total weight or average weight of fish caught per day has been recorded, then the total weight or average weight of fish caught per day, by species, should also be reported. If the total weight or average weight of fish caught per day has not been recorded, then the total weight or average weight of fish caught per day, by species, should be estimated and the estimates reported. The total weight or average weight shall refer to whole weights, rather than processed weights.

2. Geographic area to be covered by operational catch and effort data to be provided to the Commission

The geographic area to be covered by operational catch and effort data to be provided to the Commission shall be the WCPFC Statistical Area, except for fisheries targeting albacore in the Pacific Ocean South of the Equator, for which the geographic area should be the Pacific Ocean South of the Equator.

3. Target coverage rate for operational level catch and effort data to be provided to the Commission

The target coverage rate for operational catch and effort data to be provided to the Commission is 100%.

4. Procedures for the verification of operational level catch and effort data

Operational level catch and effort data should be verified as follows:

- The amount of the retained catch should be verified with records of unloading obtained from a source other than the crew or owner or operator of the fishing vessel, such as an agent of the company responsible for unloading or onward shipping or purchasing of the catch.
 - Positions of latitude and longitude should be verified with information obtained from vessel monitoring systems.
 - The species composition of the catch should be verified with sampling conducted by observers during fishing operations or by port samplers during unloading.
-

**RULES FOR ACCESS TO, AND DISSEMINATION OF, DATA IN OTHER
SELECTED RFMOs or ARRANGEMENTS**

1. Commission for the Conservation of Antarctic Living Marine Resources

PART 11

RULES FOR ACCESS AND USE OF CCAMLR DATA

The following Rules for Access and Use of CCAMLR Data were adopted by the Twenty-Second Meeting of the Commission (CCAMLR-XXII, paragraphs 12.1 to 12.6)⁵.

It is recognised that:

1. All data submitted to the CCAMLR Secretariat, and maintained by the CCAMLR Data Centre, shall be freely available to Members for analysis and preparation of documents for the Commission, Scientific Committee and their subsidiary bodies.
2. Such data may be analysed in respect of:
 - (a) work specifically outlined and endorsed by the Commission or Scientific Committee;
 - (b) work not specifically endorsed by the Commission or the Scientific Committee.
3. Inclusion of data, analyses or results from data held in the CCAMLR Data Centre into Working Papers, Background Papers, and any other documents tabled at meetings of the Commission, Scientific Committee or one of their subsidiary bodies does not constitute publication and therefore is not a release into the public domain.
4. Inclusion of data held in the CCAMLR Data Centre into the published reports of the Commission, Scientific Committee, Working Groups, *CCAMLR Science*, the *Statistical Bulletin* or any other CCAMLR publication constitutes release into the public domain.
5. Inclusion of data held in the CCAMLR Data Centre in any publication outside CCAMLR constitutes release into the public domain.
6. Subject to paragraphs (1) to (3), originators/owners of data have the right to:
 - (a) be consulted (including assignation of authorship) on the preparation, if necessary including publication, of documents describing analyses and interpretation of their data;
 - (b) approve the level of detail revealed in documents using their data;
 - (c) stipulate terms and/or levels of data security if necessary.

⁵ These rules replace those adopted at the Eleventh Meeting of the Commission (CCAMLR-XI, paragraph 4.35). The current 'Rules for Access to CDS Data' (CCAMLR-XIX, paragraph 5.23) should remain in place alongside the new standard rules until such times as all aspects of CDS data handling are duly taken into account in the new standard rules (CCAMLR-XXII, paragraph 7.22).

Accordingly,

7. Requests to the Secretariat for access and/or use of data maintained by the CCAMLR Data Centre by individual Member scientists/officials shall be approved in writing as appropriate by that Member's Commission Representative, Scientific Committee Representative, or CDS Officer in consultation with the Commission Representative. Members are responsible for informing individual scientists or individuals requesting data of the rules governing access and use of CCAMLR data and for obtaining agreement to comply with such rules.

8. Requests in support of analyses endorsed under (2)(a) above should include the type of data requested, the degree of data aggregation required, the spatial and temporal detail required, and the anticipated format to be used in presenting results of the analyses. For such requests, the Secretariat shall ensure that each request meets the conditions of the approval granted for the original endorsement, and, if so, release the data and inform the data owner(s)/originator(s) accordingly. Release of data by the Secretariat to the requestor does not constitute permission to publish or release data into the public domain. Such permission remains a matter to be determined between the requestor and the data originator(s).

9. Requests in support of non-endorsed analyses under (2)(b) above should include the information listed in (8) as well as details of the analytical procedures to be used and the opportunity for data owner(s)/originator(s) to be involved. For such requests, the Secretariat shall be satisfied that each request contains the required information before forwarding it to the data originator(s) for approval within a specified time period. Once approval has been received the Secretariat shall release the data. Release of data does not constitute permission to publish or for release into the public domain. Such permission remains a matter to be determined between the requestor and the data owner(s)/originator(s).

10. If approval for data release under (9) is not forthcoming within the specified period, the Secretariat shall initiate and facilitate consultation between the data requestor and data owner(s)/originator(s). The Secretariat shall not release data without the written approval of the data owner(s)/originator(s). Failure to achieve agreement shall be brought to the attention of the Scientific Committee and Commission.

11. The following statement shall be placed on the cover page of all Working Papers, Background Papers and any other papers tabled at meetings of the Commission, Scientific Committee or their subsidiary bodies:

'This paper is presented for consideration by CCAMLR and may contain unpublished data, analyses, and/or conclusions subject to change. Data in this paper shall not be cited or used for purposes other than the work of the CCAMLR Commission, Scientific Committee or their subsidiary bodies without the permission of the originators and/or owners of the data.'

DATA SECURITY PROCEDURES FOLLOWED BY THE SPC OCEANIC FISHERIES PROGRAMME⁶

Data security is defined as the protection of data from accidental or intentional unauthorized access, modification, destruction or disclosure. The procedures that are followed, or being implemented, by the OFP with respect to both physical and electronic access to data are presented below.

Physical Data Security

Procedures in place to secure physical access to buildings:

- Install numeric key-pad locks on all doors with access to physical data or physical components
- Maintain a list of authorized staff having access to each area.

Procedures in place to secure physical access to hard copy data:

- Ensure procedures are in place with respect to access to buildings housing hardcopy data (see above)
- Install locks on filing cabinets containing hardcopy data
- Maintain a list of authorized staff having access to the area where hardcopy data reside

Procedures in place to ensure physical data security with respect to visitors to the OFP:

- Ensure that the general attention for data confidentiality (to be signed by the visitor) includes clauses covering all aspects of physical data security

Other procedures and resources to ensure physical data security:

- Install shredders on levels where confidential hard-copy output of data will be produced

Electronic Data Security

Procedures in place to secure electronic access to data:

- The SPC Information Technology (IT) Section have established security measures that cover all programmes within the SPC:
- All SPC computers must have secure login/passwords covering authorized staff only.
- Maintain a list of authorized staff having access to the SPC network servers, including the level of access relevant to their work and responsibilities. Use this list to establish access to the SPC network servers.
- All SPC users will be required to renew their passwords every 6 weeks.

Procedures in place to protect from outside invasion:

- Install and maintain suitable Virus Software

⁶ Lawson, T. *Data related Tasks for the WCPFC Scientific Committee*. WCPFC-SC1 ST-WP-1. Paper prepared by Secretariat of the Pacific Community, Oceanic Fisheries Programme. 24 pages.

- Restrict outside access to SPC servers through appropriate Internet protection software
- Ensure there is constant review and installation of the best virus software available on the market

Maintain a comprehensive data back system, including security measures for storing the physical media. For example, the magnetic tapes containing the backup data should be stored in a secure, lockable

OFP Data Security

Procedures in place to secure physical access into computers or electronic media (e.g. CDs and DVDs):

- Establish an automatic log-off after three minutes of inactivity on all OFP computers;
- Encourage all OFP staff to lock their computers when they leave their desk;
- Encourage staff not to store confidential information on their local computer drives;
- Ensure electronic media (e.g. CDs, DVDs) with confidential information are stored in a secure place;
- Maintain a list of OFP staff having access to OFP computers.

Maintain a list of authorised staff having direct access to the OFP databases and other confidential information. This list should include the level of access relevant to their work and responsibilities. Use this list to establish access to the OFP databases and other confidential information.

Maintain an off-site backup system and other confidential information stored on the OFP network server. For example, off-site backups of the OFP network server should be sent by diplomatic bag to Fiji (and stored in a safe at SPC-Suva), on a monthly.

Ensure OFP staff are aware of the data security procedures through an induction process and ongoing training.

Data dissemination procedures:

- Ensure that all OFP staff are aware of, and adhere to, the data dissemination policies of the OFP

Procedures in place with respect to visitors to the OFP:

- Establish a system to provide a temporary login/password with restricted access to the OFP network server and databases depending on the level of work undertaken.
- Ensure that the general attestation for data confidentiality (to be signed by all visitors) includes clauses covering all aspects of electronic data security.

SPC-OFP POLICY OF DISSEMINATION OF CATCH AND EFFORT DATA (as adopted at the 11th Meeting of the Standing Committee on Tuna and Billfish, 28 May – 6 June 1998, Honolulu, Hawaii.

4. STATISTICS WORKING GROUP

...

4.3 Issues Concerning the Coordination of Data Dissemination

...

In summary, the meeting indicated that the policy for disseminating catch and effort data should be as follows:

- Catch and effort data grouped by 5° longitude by 5° latitude by month for longline and 1° longitude by 1° latitude by month for surface fisheries, for all fishing nations combined, are considered to be in the public domain.
- Catch and effort data grouped by 5° longitude by 5° latitude by month for longline and 1° longitude by 1° latitude by month for surface fisheries, stratified by fishing nation, are available for release at the discretion of the Coordinator of the SCTB Statistics Working Group, for those sources of data which have so authorised the SWG Coordinator. For those sources of data which have not authorised the SWG Coordinator to release data at his discretion, authorisation for the release of data must be obtained from the sources of the data.
- Catch and effort data grouped at a finer level of time-area stratification may be released with authorisation from the sources of the data.
- Catch and effort data are released for research purposes only, and to individuals who can be trusted to use the data responsibly. The person requesting the data is required to provide a description of the research project. The data are released only for use in the specified research project and the data must be destroyed upon completion of the research project. However, catch and effort data may be released for long-term usage for research purposes, such that the data need not be destroyed, with authorisation from the sources of the data.
- The person requesting the data will be asked to provide a report of the results of the research project to the SWG Coordinator for subsequent forwarding to the sources of the data.

COMISION INTERAMERICANA DEL ATUN TROPICAL
INTER-AMERICAN TROPICAL TUNA COMMISSION 8604 La Jolla Shores
Drive, La Jolla CA 92037-1508, USA – www.iattc.org Tel: (858) 546-7100 – Fax:
(858) 546-7133 – Director: Robin Allen

July 18, 2005
Ref: 0501-0812

To: File

From: Robin Allen, Director

Re: Policy for Operating Procedures for Handling Confidential Fisheries Data

This provides the standard operating procedures for handling of confidential data provided by vessels, processors, shipping companies, or governments. The primary rules governing data handling and information dissemination for confidential data held by the Commission are Rule XV of the Inter-American Tropical Tuna Commission [Rules of Procedure](#)

“Records of statistics of individual catches and individual company operations shall be treated as being confidential”, and

the Agreement on the International Dolphin Conservation Program (AIDCP) [Rules of Confidentiality](#).

To ensure our ability to maintain this confidentiality, the Commission records are granted immunity from search and seizure in the United States wherever or by whomever held by the International Organizations Immunities Act, 22 USCS §§ 288 et seq, unless this immunity is specifically waived, an action the Commission has never taken. We have on all occasions refused to provide information in response to subpoena for information from our records, thus documenting our consistent stance and the power of the protection afforded by the Immunities Act. The Act was passed in 1945, and the IATTC was specifically designated as an organization entitled to the immunities under the Act by an Executive Order issued in 1962.

Data for individuals are obtained from various sources, including vessel logbooks, observers, processors, shipping companies, and government agencies. Regardless of source, the data remain the property of the provider and may not be released to others without the permission/signature of the provider. In the special case of logbook data, it has been standard practice⁷ that when a release of logbook data has been requested, the signature of both the managing owner and the skipper of the trip in question are required to release the information. Since 1993, the managers and captains of the larger purse seine vessels (those participating in IATTC observer programs) have signed various data access and release forms. A copy of the most recent forms, those in use since 2002, are attached (Appendices A and B).

⁷ The standard practice of requiring both the manager and skipper to sign for the release of data from a trip was developed to prevent the Commission from becoming embroiled in arguments which may arise between these parties related to potential differences in recorded and reported events on a fishing trip.

Records from processors, shipping companies, and governments are considered their property. Here too it is the case that data may only be released with the specific permission of the provider, as was noted was the case for individual logbook data.

Data hard copy held by the Commission at its headquarters office in La Jolla are stored in file cabinets in locked offices of the data processing groups, those assigned to work with these data. Access to these files is by personnel of these groups or persons under their supervision for specific purposes, e.g. to locate information on a specific set from which a research sample was obtained or tag was recovered. Since about 1990, hard copies of confidential information have not been maintained at field station offices for extended periods of time, because the Commission does not enjoy the same immunities at all its field station locations as it does in the United States. Therefore, a policy was implemented that requires destruction of detailed confidential records, once there is confirmation of their receipt in La Jolla and any questions concerning the information contained therein have been answered. At the time this policy was implemented, all hard copy historical records held in field stations which had been received in La Jolla, and about which there remained no outstanding questions on the information therein, were destroyed. The single exception to this practice is a record of trip dates and landings by individual vessels, which is kept for a calendar year. This record is maintained by the field station to facilitate tracking of logbook abstracts required to be obtained during the year and to ensure that if a vessel arrives and a log has not been obtained, then it is requested. In the case of observer records, the hard copy records are shipped by courier from the field station to La Jolla without maintaining a copy in the field station.

Data are maintained in databases on servers and workstations running the most current version of the Microsoft Windows operating system and application software, and protected by commercial antivirus software. Software updates are centrally managed and deployed to all systems as soon as they become available. Access to the Commission local area network, which is contained within the University of California San Diego campus network, is controlled by means of a perimeter firewall system with intrusion detection and prevention features. Access from outside the perimeter is only possible via secure VPN or SSL connections requiring centrally managed, individual user credentials. Data stored on Commission systems are also protected by means of centrally managed accounts and permissions.

Data transfers between field stations and the La Jolla are encrypted using strong public/private key pairs. Transfers are conducted only between field station supervisors and assistants, and selected senior staff and data editors in La Jolla. Confidential information is not maintained on field station computers: the policy is to delete the encrypted information once it is confirmed that it has been received in La Jolla. Computer systems at field stations also run current versions of Microsoft software. Their maintenance and security is overseen by system management personnel in La Jolla.

Requests for confidential information or information which are not in the public domain

Data on fisheries which are not publicly available that are provided to the Commission are not in the public domain unless indicated by the provider. This includes aggregated data which may be considered otherwise non-confidential. Our procedure for handling ad

hoc requests for information which is not in the public domain requires that the requesting party direct the request to the Director specifying the exact nature of the information sought and the purpose to which the information will be applied.

Subject to standing policies, such a request requires the specific details as previously discussed and that it be forwarded to the Director for consideration. These requests may be granted if the Director is satisfied:

- (1) that the request is for scientific purposes,
- (2) that the requestor will agree to and be bound by confidentiality requirements of the Commission in publication of scientific articles arising from the work
- (3) that the Director and staff may review any manuscript or draft that incorporates information from data provided by the Commission before it is seen by others, and before it is submitted for review: this so that we may provide comment to ensure correct use of data provided by the Commission and that no violation of agreement for confidentiality has occurred,
- (4) that no persons other than the person requesting the data will have access to the data, and
- (5) that on termination of the project all copies of the data and outputs containing confidential or non-public domain information will be destroyed.

In cases where the data belong to another data provider the Providers policies apply. Assuming no standing policy or permission covers the specifics of the request, the request would be forwarded to the data providers for consideration. If permission were granted, the staff would provide the data as requested, as long as there was agreement with any specific conditions on use placed by the data provider; if permission is not given, the requestor would be so informed. Major projects requiring the use of detailed data (i.e. with low level or no aggregation) require agreement of the providers.

Detailed data within the EEZ of a country will not be provided without agreement of the country in question even if the providers were from other countries.

An alternative to ad hoc requests for data is to enter into a Memorandum of Understanding (MOU) that governs the exchange of non-public domain data. The Commission has one such MOU in place with the Secretariat of the Pacific Community, Oceanic Fisheries Programme (Appendix C). In this case, the provisions for the confidentiality of information of individual companies and vessels existing in both organizations facilitated the development of the MOU, and the MOU facilitates exchange of information and fisheries research and management in the Pacific.

Staff access to confidential data

Member of the IATTC staff have access to detailed data during the course of their work. Such data are to be kept confidential. Any requests by persons outside of the staff, including visiting scientists, for information that might be required to be kept confidential are to be transferred to the Director or the Scientist in charge of the data section.

Appendix A: Data release form, Vessel Manager, in use since June 2002

AUTHORIZATION TO RELEASE DATA COLLECTED BY THE PROGRAMS OF
THE INTER-AMERICAN TROPICAL TUNA COMMISSION (IATTC) AND THE
AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION
PROGRAM (AIDCP)
-VESSEL MANAGER-

The undersigned vessel manager hereby authorizes the release of information on the fishing activities of the vessel(s) named below that is collected by the programs or staff of the IATTC and the On-Board Observer Program of the AIDCP. The data can be released to any of the following:

- 1) The staff of the IATTC.
- 2) The pertinent national dolphin observer program, if applicable.
- 3) Any government that has, or had, jurisdiction over a vessel while under the authority of this vessel manager. The authorization is limited to the trip, or segment of a trip, under the jurisdiction of the requesting government.

The IATTC may provide information to the International Review Panel of the AIDCP for verification of compliance with the mortality limits and required operational procedures for the protection of marine mammals established by the AIDCP.

This authorization is effective for all data collected on or after January 1, 2002.

Name(s) of vessel(s):
Vessel manager signature:
Print full name:
Date:

Appendix B: Data release form, Vessel Captain, in use since March 2002

AUTHORIZATION TO RELEASE DATA COLLECTED BY THE PROGRAMS OF
THE INTER-AMERICAN TROPICAL TUNA COMMISSION (IATTC) AND THE
AGREEMENT ON THE INTERNATIONAL DOLPHIN CONSERVATION
PROGRAM (AIDCP)

– FISHING CAPTAIN –

The undersigned fishing captain hereby authorizes the release of information on the fishing activities of any vessel of the international fleet under his command collected by the programs or staff of the IATTC and the On-Board Observer Program of the AIDCP. The data can be released upon request to any of the following:

The staff of the IATTC.

The pertinent national observer program, if applicable.

Any government that has, or had, jurisdiction over a vessel while under the fishing captain's command. The authorization is limited to the trip, or segment of a trip, under the jurisdiction of the requesting government.

The managing owner of any vessel while the fishing captain was in command of that vessel.

The IATTC may provide information to the International Review Panel of the AIDCP for verification of compliance with the mortality limits and required operational procedures for the protection of marine mammals established by the AIDCP.

This authorization is effective for all data collected on or after January 1, 2002, and remains in effect until the date that the IATTC receives a written revocation, signed by the fishing captain.

Signature of fishing captain:

Print full name:

Date:

Appendix C: Memorandum on data exchange between IATTC and Secretariat of the Pacific Community, Oceanic Fisheries Programme

INDIAN OCEAN TUNA COMMISSION
Resolution 98/02 Data Confidentiality Policy And Procedures

Recognising the need for confidentiality at the commercial and organisational levels for data submitted to IOTC, the following policy and procedures on confidentiality of data will apply:

Data submitted to the Secretariat

- The policy for releasing catch-and-effort and length-frequency data will be as follows:

Catch-and-effort and length-frequency data grouped by 5° longitude by 5° latitude by month for longline and 1° longitude by 1° latitude by month for surface fisheries stratified by fishing nation are considered to be in the public domain, provided that the catch of no individual vessel can be identified within a time/area stratum. In cases when an individual vessel can be identified, the data will be aggregated by time, area or flag to preclude such identification, and will then be in the public domain.

- Catch-and-effort and length-frequency data grouped at a finer level of time-area stratification will only be released with written authorisation from the sources of the data. Each data release will require the specific permission of the Secretary.

1. A Working Party will specify the reasons for which the data are required.

2. Individuals requesting the data are required to provide a description of the research project, including the objectives, methodology and intentions for publication. Prior to publication, the manuscript should be cleared by the Secretary. The data are released only for use in the specified research project and the data must be destroyed upon completion of the project. However, with authorisation from the sources of the data, catch-and-effort and length-frequency data may be released for long-term usage for research purposes, and in such cases the data need not be destroyed.

3. The identity of individual vessels will be hidden in fine-level data unless the individual requesting this information can justify its necessity.

4. Both Working Parties and individuals requesting data shall provide a report of the results of the research project to IOTC for subsequent forwarding to the sources of the data.

Procedures for the safeguard of records

Procedures for safeguarding records and databases will be as follows:

- Access to logbook-level information will be restricted to IOTC staff requiring these records for their official duties. Each staff member having access to these records will be required to sign an attestation recognising the restrictions on the use and disclosure of the information.
- Logbook records will be kept locked, under the specific responsibility of the Data Manager. These sheets will only be released to authorised IOTC personnel for the purpose of data input, editing or verification. Copies of these records will be authorised only for legitimate purposes and will be subjected to the same restrictions on access and storage as the originals.
- Databases will be encrypted to preclude access by unauthorised persons. Full access to the database will be restricted to the Data Manager and to senior IOTC staff requiring access to these data for official purposes, under the authority of the Secretary. Staff entrusted with data input, editing and verification will be provided with access to those functions and data sets required for their work.

Data submitted to Working Parties

- Data submitted to Working Parties will be retained by the Secretariat or made available for other analyses only with the permission of the source.
- The above rules of confidentiality will apply to all members of Working Parties.