



**SCIENTIFIC COMMITTEE
THIRD REGULAR SESSION**

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**COMMENTS BY THE JAPANESE DELEGATION TO SC3 - RULES AND PROCEDURES
FOR THE ACCESS TO, AND DISSEMINATION OF, DATA COMPILED BY THE
COMMISSION (DRAFT REVISION 1.0)**

WCPFC-SC3-2007/DP-03

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 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
 - (e) for the purpose of scientific and other research, consistent with the Convention and the Conservation and Management Measures and other relevant decisions adopted by the Commission.

The data referred in this paragraph includes the ones that hold by a delegated service provider or other entities and persons in contract with the Secretariat in discharging the duties of WCPFC.

6. The dissemination of data shall be done in a timely manner to the extent possible for Secretariat and the Members concerned.

6bis. In administering the data management in accordance with the Rules and Procedure, due account should be paid to the Members' relevant domestic laws and regulations on data management including those of individual privacy and criminal offence.

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) including its data security standards, 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. Subject to the decisions of the Commission, data in the public domain shall not reveal the individual activities of any vessel, company or person and shall not contain private information.
10. ~~Any data such as Annual catch estimates and aggregated catch and effort data that could can be used to identify the activities of any individual vessel, company or person are not in the public domain; however, these data may be disseminated in accordance with Section 4 of these Rules and Procedures.~~
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, subject to the agreement on the use of the data
13. Persons downloading Public Domain data from the Commission's website or requesting data from the Commission shall provide their name and affiliation prior to the downloading or release of the data. The WCPFC Secretariat shall log and report to the Commission the names and affiliation of all access and dissemination of public domain data.

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~~ may be authorized, with consent by the source unless otherwise agreed with the Secretariat, 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 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.
 - (e) for the purpose of scientific and other research, consistent with the Convention and the Conservation and Management Measures and other relevant decisions adopted by the Commission.
20. CCMs shall notify the Secretariat of a small number of representatives 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 ~~shall~~ may 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. Commission VMS data shall be available for scientific purposes [only after a lag of one year] 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 ~~authorised~~ by the Executive Director in accordance with this Rules and Procedure and its ~~on the basis of a~~ Framework, which will be established by ~~the Executive Director in collaboration with the Chair of the Commission and officers of the WCPFC subsidiary bodies.~~ 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 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.

~~4.5 Disseminations of Non Public Domain data in other circumstances~~

~~29. Non Public Domain data shall be available to any persons¹ if the CCM that originally provided that data authorises the Commission to release them. 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 source of the requested data and the source 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.—~~

~~30. 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.—~~

4.6 Exchange of data with other regional fisheries management organisations

31. If the Commission enters into agreements for the exchange of data with other regional fisheries management organisations (RFMOs) on reciprocal basis, such agreements must include requirements that the other RFMO maintain 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.

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.

¹

Including, relevant intergovernmental organisations, universities, researchers, NGOs, media, consultants, industry, federations, any other relevant party...”

Appendix 1

Public Domain data

The following types of data are considered to be in the public domain:

- 1) annual catch estimates stratified by gear, flag and species for the WCPFC Statistical Area;
- 2) annual catch estimates stratified by gear, flag, species, and waters under the jurisdiction of CCMs and the high seas in the WCPFC Statistical Area;
- 3) the annual numbers of vessels ~~active~~ operated in the WCPFC Statistical Area stratified by gear type and flag;
- 4) catch and effort data aggregated by gear type, flag, year/month and, for longline, 5° latitude and 5° longitude, and, for surface gear types, 1° latitude and 1° longitude;
- ~~5) biological data; (note: need more specification for them to be PD)~~
- 6) tagging data;
- 7) the WCPFC Record of Fishing Vessels;
- 8) [information on vessel and gear attributes compiled from other open sources];
- 9) any vessel record established for the purpose of the Commission's VMS;
- 10) oceanographic and meteorological data;
- ~~11) social data; (note: need more specification for them to be PD)~~
- ~~and~~
- 12) Part 1 of the Annual Report to the Commission by CCMs.
- ~~13) In regard to paragraphs 1, 2, 3 and 4 above, data covering vessels based in a territory of the State in which they are flagged may also be stratified with reference to the territory.~~

Appendix 2

Examples of Non-Public Domain data

The following types of data are examples of data considered to be Non-Public Domain:

- 1) Operational level Catch Effort data
- 2) Records of vessel unloading
- 3) Transshipment consignments by species
- 4) Movement of vessel including VMS Vessel position, direction and speed
- 5) Boarding and Inspection Reports
- 6) ROP observer reports and associated information including Certified observer personnel
- 7) Certified inspection personnel
- 8) Raw data on Catch/Trade documentation scheme
- 9) Port State Inspection Reports
- 10) Violations and infringements, detailed
- 11) Economic data
- 12) [Fisheries intelligence-sharing information]
- 13) Part 2 of the Annual Report to the Commission by CCMs
- x) Any data that could identify the activities of any individual vessel, company or person

Table 1. Types of information and confidentiality classification.

Information type	Risk classification
Operational level Catch Effort data	High
Annual catch estimates stratified by gear/flag and species for the WCPFC Statistical Area.	Lowest
Annual catch estimates stratified by gear/flag, EEZ and species.	Lowest
Aggregated catch and effort data stratified by gear/year/month, 5x5 (LL) or 1x1 (surface), and flag.	Low
Records of vessel unloading	Medium
Transshipment consignments by species	Medium
Biological data	Lowest
Tagging data	Lowest
WCPFC Record of Fishing Vessels (Authorization to fish/Vessel Record)	Lowest
Vessel and gear attributes from other <u>open</u> sources	Lowest
Any vessel record established for the purpose of the Commission's VMS	Lowest
Oceanographic and meteorological data	Lowest
<u>Movement of vessel including VMS Vessel position, direction and speed</u>	High
Boarding and Inspection Reports	High
Certified observer personnel	Medium
Certified inspection personnel	High
Catch/ <u>Trade</u> documentation scheme	Medium
Port State Inspection Reports	Medium
Violations and infringements, detailed	High
Annual number of active vessels <u>operated</u> , by gear type and flag	Lowest
Economic data	[unassigned]
Social data	Lowest [unassigned]
[Fisheries intelligence-sharing information]	High
Part 2 of the Annual Report to the Commission by CCMs	Low
Part 1 of the Annual Report to the Commission by CCMs	Lowest

