



TECHNICAL AND COMPLIANCE COMMITTEE
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Pohnpei, Federated States of Micronesia

**SECRETARIAT REPORT ON REQUESTS FOR ACCESS TO NON-PUBLIC DOMAIN
DATA**

WCPFC-TCC7-2011/21
31 August 2011

Paper prepared by Secretariat

ISSUES:

1. This report is being provided pursuant to paragraph 17 of **Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission**. **The report does not address access to VMS data subject to Article 24(8) of the Convention as these are governed by specific Memorandum of Understanding (MOU) between the Commission and CCMs opting to utilize Article 24(8)...**

DECISIONS/ENDORSEMENTS REQUIRED:

2. TCC7 is invited to consider the report and make appropriate recommendations, if any, to the Commission.

BACKGROUND:

3. The **Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission** of 2007, paragraph 17 requires that 'the Secretariat shall log and report to the Commission all access and dissemination of Non-Public Domain data, including the name and affiliation of the person, the type of data accessed or disseminated, the purpose for which the data were requested, the date when the data were requested, the date when the data were released and authorizations that may have been required'.

4. Table 1 provides information in accordance with the requirements of Paragraph 17 of the 2007 data access rules and Appendix 2 of those rules.

5. In addition to access granted pursuant to paragraph 17, the Secretariat also provided some CCMs (see Table 2) access to VMS data of fishing vessels transiting their EEZs and monitored by the Commission VMS from October 2010 to June 2011. Ordinarily, such data is quarantined from access under the Standards and Specifications

of the VMS (SSPs). The purpose of the grant of access was to provide preliminary exposure to the CCMs interested in utilising Article 24(8) of the Convention, pending the finalisation of the Template for implementation of this article..

6. The applicability of the Data Access Rules and the SSPs to such data quarantined by the Secretariat and not subject to MOU with CCMs under Article 24(8) of the Convention, are not clear. Consequently, TCC may wish to make appropriate recommendations to the Commission on this issue.

Table 1**ACCESS TO NON-PUBLIC DOMAIN DATA 2010- 2011 (to 1 July 2011)**

RELEASED TO	AFFILIATION/CCM	TYPE OF DATA (ROP, VMS, OTHER - SPECIFY)	PURPOSE	DATE WHEN ACCESSED/ REQUESTED	DATE RELEASED	AUTHORIZATION/ RELEASED BY
MCS Entity	New Zealand	Commission data in 100 nm buffer zone	View Commission VMS data on the high seas adjacent to their EEZs	9 Apr 2010	9 Apr 2010 - ongoing	2007 Data Access Rules Section 4.4/2009 Data Access Rules Section 4
MCS Entity	Cook Islands	Commission data in 100 nm buffer zone	View Commission VMS data on the high seas adjacent to their EEZs	22 June 2010	22 June 2010 to 22 Dec 2010	2007 Data Access Rules Section 4.4/2009 Data Access Rules Section 4
MCS Entity	FSM	Commission data in 100 nm buffer zone	View Commission VMS data on the high seas adjacent to their EEZs	13 May 2011	13 May 2011 - Ongoing	2007 Data Access Rules Section 4.4/2009 Data Access Rules Section 4
MCS Entity	French Polynesia	Commission data in 100 nm buffer zone	View Commission VMS data on the high seas adjacent to their EEZs	Jun 2010 Aug 2010 Nov 2010	Jun 2010 Aug 2010 Nov 2010	2007 Data Access Rules Section 4.4/2009 Data Access Rules Section 4
MCS Entity	USA	Commission data in 100 nm buffer zone	View Commission VMS data on the high seas adjacent to their EEZs	15 Sep 2010	15 Sep 2010 - ongoing	2007 Data Access Rules Section 4.4/2009 Data Access Rules Section 4
MCS Entity	Palau	Commission data in 100 nm buffer zone	View Commission VMS data on the high seas adjacent to their EEZs	12-23 Aug 2010 01-14 Aug 2011	12-23 Aug 2010 01-14 Aug 2011	2007 Data Access Rules Section 4.4/2009 Data Access Rules Section 4
MCS Entity	Nauru	Commission data in 100 nm buffer zone	View Commission VMS data on the high seas adjacent to their EEZs	26 May 2011	26 May – 31 Dec 2011	2007 Data Access Rules Section 4.4/2009 Data Access Rules Section 4
MCS Entity	Australia	Commission data in 100 nm buffer zone	View Commission VMS data on the high seas adjacent to their EEZs	01 Oct 2011	01 Oct 2011 - ongoing	2007 Data Access Rules Section 4.4/2009 Data Access Rules Section 4
MCS Entity	Papua New Guinea	Commission data in 100 nm buffer zone	View Commission VMS data on the high seas adjacent to their EEZs	12 – 23 Aug 2010	12 – 23 Aug 2010	2007 Data Access Rules Section 4.4/2009 Data Access Rules Section 4
MCS Entity	Cook Islands	Commission data	Eastern High Seas Pocket	01 July 2011	01 July 2011	CMM 2010-02

		in 100 nm buffer zone	Special Management Area (EHSP SMA)		ongoing.	
MCS Entity	French Polynesia	Commission data in 100 nm buffer zone	EHSP SMA	01 July 2011	01 July 2011 ongoing.	CMM 2010-02
MCS Entity	Kiribati	Commission data in 100 nm buffer zone	EHSP SMA	01 July 2011	01 July 2011 ongoing.	CMM 2010-02
MCS Entity	New Zealand	Commission VMS data in area of projected MCS Activities	Facilitate cost effective MCS Activity planning	Jun – Sep 2010 Nov 2010 Jan-Feb 2011 May 2011 Jul-Aug 2011	Jun – Sep 2010 Nov 2010 Jan-Feb 2011 May 2011 Jul-Aug 2011	2007 Data Access Rules Section 4.4/2009 Data Access Rules Section 4
MCS Entity	USA	Commission VMS data in area of projected MCS Activities	Facilitate cost effective MCS Activity planning	Aug-Oct 2010 Jul-Nov 2011	Aug-Oct 2010 Jul-Nov 2011	2007 Data Access Rules Section 4.4/2009 Data Access Rules Section 4
MCS Entity	New Caledonia	Commission VMS data in area of projected MCS Activities	Facilitate cost effective MCS Activity planning	5-17 July 2011	5-17 July 2011	2007 Data Access Rules Section 4.4/2009 Data Access Rules Section 4
MCS Entity for New Zealand	New Zealand	NZ requested ROP data for their tropical purse seine fishing fleet	Fisheries management purposes	Late 2010	9 June 2011	Article 28(7b); CMM 2007-01 para 12 (viii); 2007 Data Access Rules para 19, 22-27; 2009 Data Rules para 14-16.
MCS Entity for the EU	Spain	ROP data for their purse seine fleet fishing in the WCPFC CA		Late 2010	15 June 2011	Article 28(7b); CMM 2007-01 para 12 (viii); 2007 Data Access Rules para 19, 22-27; 2009 Data Rules para 14-16.
MCS Entity	Federated States of Micronesia	FSM requested data of 2 of their flag vessels suspected to transshipment on the high seas.	Monitoring their flag vessel activities for compliance with FSM Laws.	30 May 2011	30 May 2011	

Table 2

ACCESS GRANTED TO VMS DATA UNDER ARTICLE 24(8)

Note:

1. Data released under this preliminary exposure was not to be used for MCS or compliance purposes but for familiarization of the data collected and available under the Commission VMS, but at this time quarantined.
2. All such data was released only to the MCS entity.
3. New Zealand and Cook Islands already had Commission approval for full access to such data in their EEZs.
4. Philippines, Fiji had signed the old VMS template just after WCPFC7, and New Caledonia had asked the Chair to sign the Template prior to their translation and signature shortly after TCC6.

The following matrix provides information on this informal release of VMS data.

AFFILIATION/ CCM	TYPE OF DATA (ROP, VMS, OTHER - SPECIFY)	PURPOSE	DATE RELEASED
New Caledonia	Commission VMS data in zone	Preliminary exposure of Commission VMS in EEZ, not for Monitoring Control and Surveillance (MCS)/compliance use. Access closed	15 Oct 2010 to 10 Dec 2010 – NC stopped using the system.
Australia	Commission VMS data in zone	Preliminary exposure of Commission VMS in EEZ, not for MCS use. Access closed	14 Oct 2010 to 13 June 2011
Fiji	Commission VMS data in zone	Preliminary exposure of Commission VMS in EEZ Not for MCS use. Access closed	18 Oct 2010 to 13 June 2011
Philippines	Commission VMS data in zone	Preliminary exposure of Commission VMS in EEZ Not for MCS use. Access closed	26 Oct 2010 to 13 June 2011
Federated States of Micronesia	Commission VMS data in zone	Preliminary exposure of Commission VMS in EEZ Not for MCS use. Access closed	14 Oct 2010 to 13 June 2011
Tuvalu	Commission VMS data in zone	View Commission VMS in EEZ Not for MCS use. Access closed	14 Oct 2010 to 13 June 2011
Vanuatu	Commission VMS data in zone	Preliminary exposure of Commission VMS in EEZ Not for MCS use. Access closed	26 Oct 2010 to 13 June 2011
Palau	Commission VMS	Preliminary exposure of Commission VMS in	14 Oct 2010 to 13 June 2011

	data in zone	EEZ Not for MCS use. Access closed	
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