



**TECHNICAL AND COMPLIANCE COMMITTEE**

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Pohnpei, Federated States of Micronesia

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**REPORT ON THE ADMINISTRATION OF THE WCPFC DATA ACCESS RULES  
AND PROCEDURES**

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**WCPFC-TCC8-2012/IP05**

**19 September 2012**

**Paper prepared by the Secretariat**

1. The WCPFC has adopted two sets of Rules and Procedures for the Protection, Access to and Dissemination of WCPFC data:

- 2007 Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission; (2007 data RaP)
- 2009 Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes. (2009 MCS data RaP)

This paper reports on the administration of these two sets of data RaP by the Secretariat.

**Register of Authorised MCS Entities and Personnel**

2. In accordance with paragraph 12 of 2009 MCS data RaP, the Secretariat is required to maintain a register of Authorised MCS Entities and Personnel. This register is based on the notifications that members and participating territories have made to the Secretariat. This register is maintained on the WCPFC website, within the CCM secure section (and records are also kept on the WCPFC MCS Information Management System). Table 1 provides a summary of the notifications with the date of the most recent update to the register.

**Table 1. Summary of notifications for the Register of Authorised MCS Entities and Personnel**

<b>Member or Territory</b>	<b>Description</b>	<b>Date of most recent update</b>
<b>Australia</b>	Australian MCS and Management Entities	12 June 2010
<b>Cook Islands</b>	Cook Islands MCS Entities Revised	29 October 2011
<b>European Union</b>	EU MCS Entity and Management Entity for WCPFC Data and VMS	18 May 2010
<b>Federated States of Micronesia</b>	FSM MCS Entity and Management Entity for WCPFC Data and VMS	1 August 2011
<b>French Polynesia</b>	French Polynesia MCS Entity Update	11 October 2011
<b>Japan</b>	Japan MCS Entity for VMS	3 August 2011
<b>Kiribati</b>	Kiribati MCS Entity	1 August 2012
<b>Republic of Korea</b>	The Republic of Korea Authorised MCS Entity for WCPFC Data and VMS	12 December 2011
<b>Nauru</b>	updated Nauru MCS Authority	16 April 2012
<b>New Caledonia</b>	New Caledonia MCS Entity	29 June 2011
<b>New Zealand (including Tokelau)</b>	NZ Authorized MCS Entity for WCPFC Data and VMS, including Tokelau	2 March 2010 30 August 2012
<b>Niue</b>	Niue's MCS Entity	25 March 2012
<b>Palau</b>	Palau MCS Entities Update	20 July 2012
<b>Philippines</b>	Philippine MCS Entity for VMS	3 August 2011
<b>Solomon Islands</b>	Solomon Islands MCS Entities	18 September 2011
<b>Chinese Taipei</b>	Chinese Taipei MCS Entities for Access of Non Public Domain Data	20 April 2012
<b>Tonga</b>	Tonga MCS entities	24 August 2012
<b>Tuvalu</b>	Tuvalu MCS Entity and Personnel for Receipt of Non-Public Domain Data	20 October 2010
<b>United States of America</b>	USA MCS Entity and Management Entity for VMS and Management	12 Oct 2011

### **Access to WCPFC non-public domain data**

3. At WCPFC8, the Secretariat advised the Commission of the internal procedures that the WCPFC has or will be implementing commencing in 2012, in response to some of the concerns raised about VMS data integrity at TCC7 (WCPFC8-2011-IP07). As a further update to confirm that the internal WCPFC Secretariat Information Security Committee has been established, and has met regularly since WCPFC8. Work is currently underway to review, document and check current WCPFC Information Security controls and procedures.

4. All WCPFC data information requests that are received must first be reviewed and an analysis completed using the internal “WCPFC data request consideration form”. Staff and service providers have been advised that WCPFC non-public domain data can be disseminated only in accordance with the 2007 data RaP and 2009 MCS data RaP, and following the approval of the

Executive Director. Copies of the approved “WCPFC data consideration request forms”, original request and implementation instructions are kept on the WCPFC Information Management System. A copy of the internal WCPFC data request consideration form is attached as Annex 1. The Secretariat intends to implement this form so that it is a component of the WCPFC IMS in the near future.

5. A register is required to be maintained by the Secretariat in accordance with paragraph 18 of the 2007 data RaP to record access to all WCPFC non-public domain data. This register is currently a work in progress, and the latest draft is provided in Annex 2.

6. The WCPFC Information Management System is hosted on Microsoft Sharepoint and located at the WCPFC Headquarters in Pohnpei. The IMS is increasingly being utilized by the Secretariat for recording requests, related correspondence and implementation of WCPFC non-public domain data requests. In 2012, the Secretariat has received and processed over twenty separate requests from Members for specific WCPFC data, some of which related to multiple types of WCPFC non-public domain data. These requests for WCPFC non-public domain data appear to be becoming more elaborate, for example for particular MCS information related to a particular geographical area, or which involved vessels or nationals of the Member. Some of these requests are for information that is held to date, and with a request that new information meeting these criteria are provided to the Member on an ongoing basis.

7. For WCPFC VMS data requests, once approved, the implementation of these requests is relatively simple now that the 100nm high seas buffer zones around EEZ areas have been defined. SPC-OFP has undertaken to define 100nm high seas buffer zones around EEZs as a searchable area within the WCPFC ROP database system. However, for other WCPFC MCS information such as High Seas Boarding and Inspection Reports and High Seas Transshipment Notices and Declarations, the limitations of the current WCPFC IMS and the ability of the Secretariat to fully implement these 2012 requests have become apparent. The Secretariat, and SPC-OFP acting under instructions from WCPFC, have made best efforts to respond to data requests in a timely manner, and where possible to implement these as soon as practicable.

#### *Members and Participating Territory access to WCPFC VMS data*

8. Table 2 lists all the WCPFC client CCM logins which have been established within the WCPFC VMS system, for accessing WCPFC VMS data through SmartTrac software. Table 3 lists the dates that WCPFC VMS data have been accessed in accordance with paragraphs 19 -25 of the 2009 MCS data RaP.

9. WCPFC client CCM logins are the currently preferred method of providing access with WCPFC VMS data on an ongoing basis to CCM nominated MCS personnel, and is an attempt to make best efforts to utilize the WCPFC VMS system to the fullest extent. Recognizing that the SmartTrac view has some current limitations, particularly in terms of data extraction for specific MCS operations or for further investigations of a vessels activity, the Secretariat has maintained the option for CCMs to request as required, positions of vessels extracted from the WCPFC VMS database, and provided in a spreadsheet and google-earth view. The Secretariat is currently working with the WCPFC VMS Service Provider to automate some of the more routine

**Table 2. List of WCPFC client CCM logins for the WCPFC VMS system (current and previous)**

	To view flagged vessels in high seas WCPFC area	100nm high seas buffer around EEZ	EHSP SMA	EEZ
<b>Australia</b>	Y	Y		
<b>China</b>	Y			
<b>Cook Islands</b>	Y	Y#	Y	Y
<b>European Union</b>	Y			
<b>Federated States of Micronesia</b>	Y	Y#		
<b>Fiji</b>	Y			
<b>French Polynesia</b>	Y	Only for specified dates	Y	
<b>Japan</b>	Y			
<b>Kiribati</b>	Y	Y#	Y	
<b>Republic of Korea</b>	Y			
<b>Nauru</b>	Y	Y#		
<b>New Caledonia</b>	Y			
<b>New Zealand (incl Tokelau)</b>	Y	Y		Y
<b>Niue</b>	(active 1 Jan 2013)			(active 1 Jan 2013)
<b>Palau</b>	Y	# Only for specified dates		
<b>Philippines</b>	Y			
<b>Chinese Taipei</b>	Y			
<b>Tonga</b>	Y	Y#		
<b>Tuvalu</b>	Y	Only for specified dates		
<b>United States of America</b>	Y	Y		
<b>Vanuatu</b>	Y			
<b>FFA Regional Surveillance Centre</b>	Access as a nominated MCS entity where noted # above			

**Table 3. List of CCMs that have accessed high seas VMS data for specific geographic areas, including 100nm high seas buffer and with a MCS presence in the high seas**

(\* refers to ongoing 100nm high seas buffer activation)

	2010	2011	2012
<b>Australia</b>		1 Oct - *	
<b>Cook Islands</b>	22 June – 22 Dec	(EHSP)1 July -	25 Apr - *
<b>Federated States of Micronesia</b>		10-24 Apr 13 May -* 1- 14 Aug	7 May – 20 Jun 23 Jul
<b>French Polynesia</b>	14-24 June 4-13 Aug 17 Aug – 2 Sept 2 Nov	(EHSP)1 July -	
<b>Kiribati</b>		(EHSP)1 July -	23 July - *
<b>Nauru</b>		14 Aug 26 May – 31 Dec	25 Apr - *
<b>New Caledonia</b>		5 – 17 Jul 3-13 Nov 4-8 Nov 6-11 Nov	13-24 Feb 5-18 Mar 7-20 Jul
<b>New Zealand</b>	9 Apr -* 26 May – 10 June 7-10 June 20 – 29 July 2 Aug – 11 Aug 9 – 13 Aug 7-15 Nov	16-20 Jan 21-25 Feb 18 May – 10 Jun 1 Jul – 19 Jul 21-24 Aug 18-23 Sept	19-23 Mar
<b>Palau</b>	12 – 23 Aug	1- 14 Aug 1-16 Nov	15-27 Apr 23 Jul – 5 Aug
<b>Papua New Guinea</b>	12 – 23 Aug		
<b>Chinese Taipei</b>		16 Sept – 20 Oct	20 May – 5 Jun 6 Jun – 20 Jul 21 Jul – 15 Aug 16 Aug - 30 Sept 1 Oct – 24 Oct
<b>Kingdom of Tonga</b>			6 Sept - *
<b>Tuvalu</b>	4-19 Nov		
<b>United States of America</b>	15 Sept -* 25 Oct - 15 Nov	22 Jul – 1 Nov 2 Sept – 1 Nov	6-8 Apr 6-9 Apr 12-15 Apr 18-25 Apr 25-27 Apr 30 Apr – 9 May

and regular data requests, which will hopefully reduce the need for routine work by VMS staff after hours.

*Members and Participating Territory access to other WCPFC data which were approved or actioned in 2012, as at 17 Sept 2012.*

9. The below tables provide a list of the other WCPFC data requests which were approved or actioned in 2012. In addition, for completeness to note that at the time of writing three data requests were currently being considered by WCPFC: two requests for operational level catch and effort data, and one request for high seas transshipment notices and declarations for a particular vessel in November 2011.

	<b>ROP DATA (para 19 data RaP, and para 14-15 MCS data RaP)</b>
<b>European Union</b>	ROP data for EU vessels (request from 2011, actioned in 2012)
<b>Federated States of Micronesia</b>	ROP data for FSM vessels ROP data for FSM EEZ and 100nm high seas
<b>New Zealand</b>	ROP data for NZ vessels
<b>Nauru</b>	ROP data for Nauru EEZ and 100nm high seas
<b>Tonga</b>	ROP data for Tonga EEZ and 100nm high seas

	<b>HSBI REPORTS (para 17-18 MCS data RaP)</b>
<b>Australia</b>	HSBI Reports submitted by Members (100nm high seas around Australia EEZ or involving Australia vessels or Australia nationals)
<b>Federated States of Micronesia</b>	HSBI Reports submitted by Contracting Parties (100nm high seas around FSM EEZ or involving FSM vessels or FSM nationals)
<b>Tonga</b>	HSBI Reports submitted by Contracting Parties (100nm high seas around Tonga EEZ or involving Tonga vessels or Tonga nationals)
<b>United States</b>	HSBI Reports submitted by Members
<b>France</b>	HSBI Reports submitted by France

	<b>HIGH SEAS TRANSSHIPMENT REPORTS (para 26 MCS data RaP)</b>
<b>Federated States of Micronesia</b>	HSBI Reports submitted by Contracting Parties (100nm high seas around FSM EEZ or involving FSM vessels or FSM nationals)
<b>Tonga</b>	HSBI Reports submitted by Contracting Parties (100nm high seas around Tonga EEZ or involving Tonga vessels or Tonga nationals)

## **Report on paragraph 44 of MCS data RaP in Part 2 Annual Reporting covering 2011 activities**

Members and Territories are required in accordance with paragraph 44 of the MCS data RaP on their implementation of the WCPFC data RaP in respect of data that they have accessed in the previous year or which was retained and not destroyed. To assist Members with completing these reports, the Secretariat included a suggested format for reporting as part of the Annual

Report Part 2 template prepared by the Secretariat. As at 17 September 2012 the following CCMs had provided a report on paragraph 55 in 2012 Annual Report Part 2 received by the Secretariat:

- Australia
- European Union
- Federated States of Micronesia
- French Polynesia
- Republic of Korea
- Nauru
- New Zealand
- Chinese Taipei
- United States

In WCPFC-TCC8-2012-18, the Secretariat has proposed the retention of this section in future Annual Report template.

**Excerpt from Annual Report Part 2 template covering 2011 activities –prepared by the WCPFC Secretariat**

**2.5 WHERE APPLICABLE, SUGGESTED FORMAT FOR CCMS TO REPORT ON THEIR IMPLEMENTATION OF RULES AND PROCEDURES FOR DATA PROTECTION, ACCESS TO AND DISSEMINATION OF WCPFC DATA**

Paragraph 44 of the *Rules and Procedures for the Protection, Access to, and Dissemination of High Seas Non-Public Domain Data and Information Compiled by the Commission for the Purpose of Monitoring, Control or Surveillance (MCS) Activities and the Access to and Dissemination of High Seas VMS Data for Scientific Purposes* states “Members of the Commission shall include in their Part 2 Annual Report to the Commission information on the domestic measures that they have taken to ensure the confidentiality of the data and information received pursuant to these Rules and Procedures. Members of the Commission shall provide in their Part 2 Annual Report to the Commission a statement affirming that they have complied with the data retention and destruction requirements of Section V of these Rules and Procedures. In addition, Members of the Commission shall include a summary report of the status of any investigation, judicial or administrative proceedings in Part 2 of its Annual Report to the Commission at the next session of the Technical and Compliance Committee (TCC) until the conclusion of the investigation, judicial or administrative proceedings.”

<b>Summary of data and information that was received in 2011 pursuant to Rules and Procedures for Access to, Protection of and Dissemination of WCPFC data (2007 and 2009)</b>
<b>Information on the domestic measures taken to ensure the confidentiality of any data and information received in 2011 pursuant to the Rules and Procedures for Access to, Protection of and Dissemination of WCPFC data (2007 and 2009)</b>
<b>Statement affirming compliance with the data retention and destruction requirements of Section V of the High Seas Rules and Procedures for Access to, Protection of and Dissemination of WCPFC data (2009), of any data and information received in 2011.</b>
<b>If data that was received in 2011 was retained, a summary report of the status of any investigation, judicial or administrative proceedings, until the conclusion of the investigation, judicial or administrative proceedings.</b>



## Non-Public Domain WCPFC Data Access Consideration Form

*For internal WCPFC Secretariat consideration of and authorization for each request for any WCPFC-held non-public domain data*

This form is to be used for requests from any person for access to any non-public domain data held by the WCPFC. Such data that may be requested includes high Seas VMS data, Transshipment Reports, Discard Reports, Observer data, High Seas Boarding and Inspection Reports, Logsheet catch and effort data, etc.....

Non-public domain WCPFC data shall not be released, unless in accordance with the WCPFC Data RaP, and only if the request has been checked by Compliance Manager and approved by the Executive Director.

- To be completed as much as possible, by WCPFC Secretariat staff member receiving the request, or otherwise completed by Compliance Manager, copy of request to be attached.**

<b>Date request was received</b>	<b>Data Requested</b> <b>(list data sets, period of time that data relates,</b>
<b>Stated purpose for the data request</b>	
<b>Name of person/s for whom access to the data is requested, Job Title, and Institution Address and Contact details</b> <b>NAME OF COUNTRY/INSTITUTION</b>	
<b>Indicate appropriate category of CCM for the request</b>	Member, Participating Territory, Cooperating Non-Member RFMO Other
<b>If from a CCM, did the request come from the official nominated Entities relevant to the type of data being requested?</b> <i>If no, the request should be returned and the person sending the request advised.</i>	
<b>Indicate applicable provision/s from the Data RaP to which the request relates</b>	Data RaP 19                      Data RaP 29 Data RaP 30                      Data RaP 32 Data RaP MCS 13              Data RaP MCS 14-15 Data RaP MCS 17-18        Data RaP MCS 19-25 Data RaP MCS 27              Data RaP MCS 31-37 Data RaP MCS 47              Data RaP MCS 48



**2. To be completed by the Compliance Manager, including any gaps above  
[DATE]**

<b>Check, is the requested data held in WCPFC databases?</b>	
<b>Are there any concerns with this CCM not having met data provision obligations for two consecutive years? Has this CCM been notified that they have lost access to non-public domain data due to failure to comply with Data RaP? <i>If yes to either of these, access to data is likely to be denied</i></b>	
<b>Has authorization been provided, where required, from the CCM that provided the Data to the WCPFC for its release? <i>If yes, date request was made to the source and note outcome</i></b>	
<b>Any specific internal tasks that are required to facilitate the dissemination of this data?</b>	
<b>Any other comments on the request?</b>	

<b>Recommendation on the Request</b>	<b>Recommendation of any additional conditions on the request or instructions for dissemination of the data</b>
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**3. To be completed by the Executive Director (Insert Date)**

**Request Approved or Request Not Approved**

<b>If approved, any specified conditions relating to this request which are to be attached</b>
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**4. Follow-up on request (Insert Date)**

<b>If approved, Compliance Manager to task appropriate staff member to disseminate specified data, and attach any conditions to its release</b>	<b>If not approved, Compliance Manager to advise person submitting request of the outcome of consideration of the request</b>
<b>Name of staff members and the date the data was disseminated</b>	

**Register of Access to WCPFC data by persons duly authorised by the Executive Director, within the WCPFC Secretariat and Service Providers, as well as Officers of the Commission. (as at 19 September 2012)**

The following register is being maintained in accordance with paragraph 18 of the **2007 Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission**, which states...

*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.

***This Register is currently a work in progress, and not at the level of individuals in all instances.***

There are general categories of access to WCPFC data by WCPFC staff and service providers. In accordance with paragraph 18 of 2007 data RaP, all Secretariat staff, including short term individuals working with the Secretariat, eg interns and temporary data entry staff, have been required to sign a confidentiality agreement as a condition of their working with the Commission. Service providers have a confidentiality agreement according to

**Executive Director:** access to all WCPFC non-public domain data

**ITC Manager:** full access for administration and maintenance of the systems and data, including VMS data at Guam site for purpose of checking redundancy back-up.

- Access by contractor BMC for service support as required for WCPFC duties
- Access by contractor Eighty Options for service support to the WCPFC website as required for WCPFC duties

**WCPFC MCS staff and service providers**

- access to VMS data through the Commission VMS smart-track system and also WCPFC VMS data through Sydney (no access to Guam site)
  - VMS Manager
  - VMS Operations Officer 1 and 2
  - Compliance Manager
  - Compliance Officer
  - ROP Coordinator
  - ROP Data Quality Officer
  - WCPFC VMS Service Provider: Absolute/Pole Star (on behalf of FFA)
- Eastern High Seas Special Management Area
  - VMS Manager
  - VMS Operations Officer 1 and 2
  - Compliance Manager
- Access to WCPFC ROP data

- ROP Coordinator
  - ROP Data Quality Officer
  - Compliance Manager
  - SPC-OFP ROP data staff
- WCPFC MCS Information Management System: discard report, transshipment reports, HSBI reports, CMM reporting and correspondence, WCPFC Record of Fishing Vessels and Interim Register, Access to Compliance Monitoring Report drafts, provisional reports and correspondence
    - VMS Manager
    - VMS Operations Officer 1 and 2
    - Compliance Manager
    - Legal Adviser
    - Compliance Officer
    - ROP Coordinator
    - ROP Data Quality Officer
    - Administrative Data Entry Assistant
    - Interns assisting with Compliance Monitoring Reports and Transshipment data entry and analysis in 2011 and 2012
    - Temporary data entry contractors (assisting with Transshipment and catch discard data entry in 2012);
    - WCPFC IMS developer and technical support: Taz-E
  - Access to WCPFC catch and effort data through CES
    - Science Manager
    - Assistant Science Manager
    - Compliance Manager
    - VMS Manager
    - ROP Coordinator
    - ROP Data Quality Officer

### **WCPFC Interns**

Confidentiality agreement were signed and they may have had access to WCPFC non-public domain data information, greater than what they would have as national representatives to WCPFC, during the period of their internship:

- 2009: Ms Rhea Moss – United States
- 2010: Ms Pamela Maru – Cook Islands
- 2011: Ms Rachel French - Australia
- 2011: Mr JongKwan Ahn – Republic of Korea
- 2011: Ms Ingo Unterweger - Germany
- 2011: Mrs Rhea Moss-Christian – Federated States of Micronesia
- 2011: Mr Joseph Fu – Chinese Taipei
- 2011: Ms Aurelie Buthod-Garcon - France
- 2012: Mr Robert O’Conner – United States
- 2012: Ms Pamela Maru – Cook Islands
- 2012: Ms Kara Miller – United States
- 2012: Ms ’Ana Taholo – Kingdom of Tonga

### **SPC-OFP science and data management staff:**

- access to WCPFC scientific data,
- access to WCPFC ROP data;
- access to VMS data for cross-verification of ROP and logsheets;
- access to VMS data one year old for science purposes; and
- access to maintain the data and science pages on the WCPFC website.

A summary of access to WCPFC non-public domain data and information is provided here:

*Secure CCM section on the WCPFC website*

The Commission has a secure web page that is accessible to Members for sensitive documents, non-public information for meetings or compliance information, such as Register of MCS entities and personnel Register, CNM applications and analyses, draft and Provisional IUU lists. Draft and Provisional Compliance Monitoring Reports and CCMs Annual Report Part 2.

The following have access:

- WCPFC staff;
- Office bearers of the WCPFC and Subsidiary Bodies;
- SPC-OFP staff working on behalf of the Commission;
- Each Member or Territory according to their request.

*WCPFC Meeting Server*

Has a similar set of users to the secure CCM section on the WCPFC, sometimes with different logins, to those used on the WCPFC website. These logins are probably what will be used by TCC8 participants to trial the Annual Report Part 2 online interface.

*Eastern High Seas Pocket Special Management Area secure page on WCPFC website, WCPFC VMS data and manual entry and exit reports is in accordance with CMM 2010-02*

- Limited WCPFC MCS staff
- MCS personnel of the EHSP-SMA Parties

*Direct Data Entry for WCPFC RFV*

Login to the WCPFC Record of Fishing Vessels system, for CCMs to create and modify their vessel records on the Record of Fishing Vessels. This capability has been provided to all CCMs, but only six CCMs appear to be using this feature regularly (representing 74% of the vessels on the RFV).

*WCPFC VMS Smart-trac access*

Login and password management of the WCPFC VMS system is maintained outside the Secretariat, as part of the SLA for the WCPFC VMS – with instructions provided by the WCPFC VMS Manager. Logins for CCMs to view flagged vessels in the high seas of the WCPFC area, were enabled in accordance with CMM 2007-02 (now CMM 2011-02) *Commission VMS*, and the WCPFC Standards, Specifications and Procedures for the WCPFC VMS. Access by coastal CCMs to VMS data related to the 100nm high seas buffer around their EEZ, was enabled in accordance with an approved request under the 2009 data RaP.

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