

**Ad Hoc Task Group [Data]**

28-29 September 2009

Pohnpei, Federated States of Micronesia

###### EC COMMENTS

###### 4TH DRAFT OF THE CONFIDENTIALITY RULES OF THE WCPFC

**WCPFC/AHTG [Data]/2009/DP-01**

**26th September 2009**

General: The rules do not seem to contain any timerules for the storage of VMS data within the Secretariat. It would seem normal to us that the Secretariat within a certain timeframe is obliged to destroy sensitive VMS data which are no longer are operational. It would seem to us that such data should be destroyed at least a year after it became available. It should be noted that most other RFMO which run central VMS system have such rules. In NAFO for example, the obligation of the Secretariat to destroy data applies after two months.

We see no reason why the WCPFC Secretariat should store such data indefinitely.

In relation to paragraph 7: we should keep in mind that the submission of data by flag states sometimes is subject to confidentiality rules in national law. Data which can not be submitted because of confidentiality rules should of course not be regarded as an infraction. We are also wondering why this provision is limited to scientific data whereas it shall apply to all data and it should also apply to the failure by parties to comply with the obligation to destroy data that they have obtained. We believe also that the principle of proportionality should be taken into account in this provision, ie to what extent the violation has been significant or not.

In relation to paragraph 7 and 8: it is not clear from the provisions who are taking the decision to no longer grant access to data. We believe that such decision falls outside the mandate of the Secretariat. The Decision should in our view be taken by the Commission.

In relation to paragraph 10: we would prefer that the register is published on the secure section of the website rather upon request.

In relation to paragraph 21: failure to comply with the requirements of destruction of data should be regarded as instances of non compliance. In other words, there needs to be a link with para 7.