



## RFMO DATA CONFIDENTIALITY RULES REGARDING DETAILED FISHING OPERATIONS

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*The paper summarizes the data confidentiality measures of tuna RFMOs, with a focus on the rules regarding detailed fishing operations, especially the use of Fish Aggregating Devices (FADs). This summary does not include information on the steps taken with respect to physical or computer security. The full texts of each RFMO's measure are appended.*

### SUMMARY

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Every tuna RFMO has a data confidentiality policy that identifies the level of privacy afforded to the various kinds of data supplied to the organization. The two broad categories of data are “public domain” and “non-public domain,” with the latter including all vessel-specific operational information (e.g., catch reporting, fine-resolution vessel positions). Those data are treated confidentially, with access often restricted only to those RFMO staff that require the information to fulfill their duties. Any other access requires the permission of the data provider (e.g., the member state) and compliance with data safeguarding measures.

Data on fishing operations, when aggregated to prevent the identification of any individual vessel's activity, are generally considered in the public domain. For the WCPFC and ICCAT, a minimum of three vessels' data must be grouped. In the IOTC, data are presented as aggregations across area, gear type and flag. Similarly, the IATTC public data are gross aggregates using the same categories.

Regarding FAD fishing operations, two tRFMOs (ICCAT and IOTC) specifically mention that FAD data should be made available to the scientific staff and/or the science committee. The IOTC does explicitly note that those data are to be treated under its data confidentiality policy. Although not explicitly mentioned alongside the FAD text, ICCAT also appears to treat its FAD-related data in a similar manner.

Every tRFMO's data confidentiality policy makes a commitment to maintaining the privacy of individual vessels' fishing operations. Only with the data provider's permission can such

information be released to requesting parties,<sup>1</sup> and even then there are controls on the management and use of that data.

## **IATTC**

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The IATTC's resolution on data confidentiality dates from 1951 and reads, in its entirety:

“A resolution was adopted requiring that catch statistics of individual boats, records of individual company operations, and all other records obtained by the staff of the Commission regarding individual persons, companies or enterprises shall be kept completely confidential and shall be available only to those members of the staff requiring access to them in the course of the scientific investigations.” (Appendix A)

Though this resolution does allow access by the IATTC scientific staff, it does not specify procedures for data access, aggregation (except to specify that no individual person or company can be identified), disclosure or protection. Access by non-IATTC staff (e.g., university researchers, NGOs) is not permitted. In 2012, the European Union presented a proposal to revise this measure to align it more closely with those of WCPFC and ICCAT, however the proposal was not adopted.

The IATTC Secretariat does publically release aggregated data on catch (by species, gear and flag), and size of tuna and billfish.<sup>2</sup>

## **ICCAT**

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ICCAT's current data confidentiality policy is set out in Annex 6 of its 2010-2011 Biennial Report.<sup>3</sup> Its policy (Appendix B), along with that of the WCPFC,<sup>4</sup> is the most detailed of the RFMOs.

The general principles are as follows:

1. All data held by ICCAT are managed under these rules,
2. Data can be released if its source (e.g., a CPC) so authorizes,
3. ICCAT staff, subsidiary bodies and related service providers have access to all data necessary to perform their duties, provided they have sign a Confidentiality Agreement, and
4. CPCs have access to data:
  - a. From vessels flying their flag in the Convention Area,
  - b. From vessels fishing in waters under their jurisdiction,

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<sup>1</sup> Excepting the IATTC, where there is no mechanism for the release of any data beyond IATTC staff.

<sup>2</sup> <http://www.iattc.org/Catchbygear/IATTC-Catch-by-species1.htm>

<sup>3</sup> ICCAT Report 2010-2011, Annex 6: Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by ICCAT (p. 238 – 246)

<sup>4</sup> The ICCAT policy is a modified version of the WCPFC policy, which was adopted in 2007.

- c. From vessels applying to fish or transship in their waters, or unload in their ports, and
- d. For the purposes of compliance and enforcement activities on the high seas, and for scientific and other research.<sup>5</sup>

Data are classified into two categories, public domain and non-public domain, using a risk classification methodology that reflects the potential damage that could result from the unauthorized disclosure of such data. Data in the public domain cannot contain information about the individual activities of any vessel, company or person, or any other private information, nor can any data be designated in the public domain that (directly or indirectly) allows the identification of any individual vessel's activities.

**Data in the public domain**, which can be made available on the Commission's website or by request to the Secretariat, include:<sup>6</sup>

- A. Annual catch estimates stratified by gear, flag and species,
- B. The number of vessels active in the Convention Area by year,
- C. Catch and effort data aggregated by gear type, flag, month and by 1° longitude by 1° latitude<sup>7</sup> – and made up by observations of no fewer than 3 vessels,
- D. The ICCAT Record of Fishing Vessels, and
- E. Any vessel record established for the purpose of the Commission's VMS.

The remaining categories of information are considered **non-public domain data**, and include:

- A. Operational-level catch and effort data (detailed set-by-set information),
- B. Records of vessel unloading,
- C. Fine-resolution vessel movements (including near-real time Commission VMS data),
- D. Boarding and inspection reports,
- E. Raw data from any Catch or Trade Documentation Scheme, and
- F. Data that reveal the individual activities of any vessel, company or person.

The Commission has strict rules regarding the management and dissemination of these data, and is charged with keeping a record of all who are granted access to such data. In addition to use of this data as necessary by ICCAT staff and national scientists associated with the SCRS (see general principle 3, above), the policy allows CPCs access to the data described in general principle 4.

Non-public domain data can also be released to "any persons" if the CPC that originally provided the data authorizes the Commission to release them. The CPC can have an ongoing authorization for release, though it can be withdrawn at any time. These persons must submit a data request form to the Commission (which must then be approved by the CPC/data provider), sign a Confidentiality Agreement, secure the data in a manner consistent with that of the ICCAT Secretariat, and follow any other Commission directives (e.g., deletion of the data at

<sup>5</sup> Non-public data for compliance and enforcement and scientific research are "subject to separate rules and procedures for the access and dissemination of such data, that the Commission will adopt for these purposes."

<sup>6</sup> Other types of data not directly related to fishing activity have been omitted from this list, but include tagging, oceanographic and biological data.

<sup>7</sup> 1° longitude by 1° latitude for surface fisheries. For longline fisheries, the grouping is 5° longitude by 5° latitude.

the conclusion of the project).

**FAD-Specific Data.** Recommendation 11-01 (A Multi-Annual Conservation and Management Program for Bigeye and Yellowfin Tunas) mandates recording in logbooks the deployment and retrieval of FADs, as well as the position, date, identification of the aggregating device and results of the set. CPCs are to ensure that this information is “made available to the SCRS.”

## IOTC

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In 2012 the IOTC updated its data confidentiality policy, replacing Resolution 98/02 with 12/02 (Appendix C). This revision accommodates recent developments with the mandatory statistical requirement and regional observer scheme resolutions. This policy applies to catch-and-effort, length-frequency and observer data.

**Public Domain.** Catch-and-effort and observer data grouped by 1° longitude by 1° latitude<sup>8</sup> by month stratified by fishing nation are considered to be in the public domain, provided that no individual vessel’s catch can be identified within a time/area stratum. In cases when an individual vessel could be identified, the data are aggregated by time, area or flag to preclude such identification, and then considered to be in the public domain. Detailed tagging data are also in the public domain, excepting the names of vessels or crew who recovered the tags.

**Controlled/Non-Public Domain.** At a finer stratification, catch and effort data are only released with 1) the written authorization from the data’s source (e.g., the member state), and 2) the specific permission of the Secretary. To request data, applicants (e.g., a Working Party) must provide a description of the research project, including the objectives, methodology and intentions for publication. Prior to publication, the manuscript must be cleared by the Secretariat (the final report must be shared with the data source(s) as well). 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 authorization 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. The identities of individual vessels are hidden in fine-level data unless the individual requesting this information can justify its necessity.

Logbook-level and other detailed observer data are restricted to the IOTC staff who require the data to carry out their duties. They are required to sign confidentiality agreements that detail the data restrictions and rules for their safeguarding and disclosure. These same rules of confidentiality apply to all members of Working Parties and the Scientific Committee in their handling of IOTC data.

**FAD-Specific Data.** Also in 2012 the IOTC adopted Resolution 12/08, Procedures on a Fish Aggregating Devices Management Plan. This resolution requires CPCs with vessels that fish on FADs to submit a national management plan by the close of 2013, for review by the Compliance

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<sup>8</sup> 1° longitude by 1° latitude for surface fisheries. For longline fisheries, the grouping is 5° longitude by 5° latitude.

Committee in 2014. The information to be supplied in the Plan includes the quantity and beacon numbers of FADs, and catch amounts on FAD sets.

The information provided in these Plans will be handled in a manner consistent with the confidentiality rules set by Resolution 12/02, including the provision to the Science Committee of any FAD-related catch and effort data at the aggregation level set by Resolution 10/02. Resolution 10/02 (Mandatory Statistical Requirements for IOTC Members and Cooperating Non-Contracting Parties) requires reporting of “the total number and type of FADs set by the supply vessel and purse seine fleet per quarter... These data would be for the exclusive use of IOTC scientists, subject to the approval of the data owners and Resolution 98/02 [now Res 12/02] *Data confidentiality policy and procedures...*”

## **WCPFC**

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The WCPFC policy on data confidentiality<sup>9</sup> (Appendix D) is very similar to ICCAT’s (which based its policy largely on WCPFC’s), including the explicit direction that public domain catch data must be an aggregation of at least 3 vessels to prevent the identification of any single vessel’s activities. Rules regarding data access and dissemination to staff, scientific experts engaged by the Commission, CCMs, and other entities (i.e., universities, NGOs, media and industry) are also the same, including near-identical data request and confidentiality agreement forms.

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<sup>9</sup> WCPFC Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission. Refined and Adopted at the 4<sup>th</sup> Regular Session of the Commission (December 2007, Guam).

## COMPARISON OF POLICIES (as published)

	IATTC	ICCAT	IOTC	WCPFC
Public domain data aggregation for detailed fishing operations	Gross (but unspecified) aggregation by flag,* species and gear type.	A minimum of 3 vessels for any reporting.	1° x 1°, by month, by flag. If insufficient to mask individual vessel activity, then larger aggregation permitted.	A minimum of 3 vessels for any reporting.
Data access by RFMO staff or Science Provider?	Yes.	Yes, with Confidentiality Agreement.	Yes, with Confidentiality Agreement.	Yes, with Confidentiality Agreement.
Data access by RFMO science committee?	N/A	N/A, however Rec 11-01 requires FAD logbook information to be shared with the SCRS.	Yes, in aggregated form in accordance with existing confidentiality policy.	N/A
Data access by outside parties?	No.	Yes, with approval by data provider and Confidentiality Agreement.	Yes, with approval by data provider and agreement to follow IOTC data rules.	Yes, with approval by data provider and Confidentiality Agreement.

N/A = Not addressed in the policy.

\* No individual company can be identified by IATTC. Therefore, data from countries that have only one or two companies operating in them are aggregated into an "Other" flag.

## APPLICABILITY TO FAD E-LOGBOOK SUBMISSION

It appears that FAD logbook data would be treated like any other detailed (i.e., set-by-set, or vessel-specific catch and effort) data, since any information at the vessel level allows for identification of a single entity's activities and therefore cannot be public. It could be made public if the member state (or another data provider<sup>10</sup>) chooses to allow it (excepting the IATTC, where there is no procedure for such an authorization, though this does not preclude the data provider from releasing the information directly).

In addition, one could assume that specific vessel-level data on FAD deployment or visits (even if no catch was made at that time) are still considered "fine resolution" vessel movement/activity, so at least for ICCAT and WCPFC its confidentiality would be explicitly covered under current rules. For IOTC and IATTC it is not explicitly stated, though it would be logical to assume that FAD data and catch and effort activity would be treated similarly.

<sup>10</sup> Other data providers include private entities such as tuna canneries and vessel-owning companies.

## APPENDICES

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### **APPENDIX A:** IATTC C-51-01 Resolution on Confidentiality

INTER-AMERICAN TROPICAL TUNA COMMISSION

**2<sup>ND</sup> MEETING**

SAN JOSÉ, COSTA RICA  
1 FEBRUARY 1951

### RESOLUTION ON CONFIDENTIALITY

“A resolution was adopted requiring that catch statistics of individual boats, records of individual company operations, and all other records obtained by the staff of the Commission regarding individual persons, companies or enterprises shall be kept completely confidential and shall be available only to those members of the staff requiring access to them in the course of the scientific investigations.”

Inter-American Tropical Tuna Commission, *Annual Report for the years 1950 and 1951*, La Jolla, California, 1952, p.6.

**APPENDIX B: ICCAT Data Confidentiality Rules and Procedures**

ICCAT REPORT 2010-2011 (I)

**ANNEX 6****RULES AND PROCEDURES FOR THE PROTECTION, ACCESS TO,  
AND DISSEMINATION OF DATA COMPILED BY ICCAT****1. Basic principles relating to the dissemination of data by the ICCAT**

1. Data and information held by the ICCAT Commission or Secretariat, and by service providers or contractors acting on their behalf, 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 CPC (Contracting Party or Cooperating non-Contracting Party, Entity or Fishing Entity) providing the data to the ICCAT authorizes its release.
3. Persons duly authorized by the Executive Secretary within the ICCAT Secretariat and service providers, who have read and signed the Commission's confidentiality protocol, shall have access to the data necessary to perform their ICCAT duties.
4. Officers of the Commission and its subsidiary bodies shall have access to the data necessary to perform their ICCAT duties.
5. CPCs shall have access to data to serve the purposes of the Convention, including data:
  - a) covering vessels flying their flag in the ICCAT Convention area.
  - b) covering any vessels fishing in waters under their jurisdiction.
  - c) covering vessels applying to fish in their national waters, 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, subject to the rules and procedures for access and dissemination of such data that the Commission will adopt under paragraph 23.
  - e) for the purpose of scientific and other research, if the CPC that originally provided that data authorizes the Commission to release them. In cases where a CPC elects to provide an ongoing authorization for the release of such data, the CPC may at any time cancel this authorization by notifying the Secretariat that it has revised its earlier decision.
6. To the greatest extent practical, the ICCAT Commission, Secretariat and their service providers, should disseminate data in a timely manner.

**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 **Table I**, 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.
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 **Table I**.

**3. Dissemination of public domain data**

9. Data in the public domain shall not reveal the individual activities of any vessel, company or person and shall not contain private information. Catch and effort data in the public domain shall be aggregated by flag, gear, month and 1°x1° grid (for surface fisheries) or 5°x5° grid (for longline fisheries).
10. Annual catch estimates and aggregated catch and effort data that can be used to identify the activities of any vessel, company or person are not in the public domain.

11. Except for data as described in Paragraphs 9 and 10, the types of data listed in **Appendix 1 to ANNEX 6** 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.
13. The website should contain a statement describing the conditions associated with the viewing or downloading of public domain data (for example, that the source of the data must be acknowledged), and should require the person requesting the data to "Accept" these conditions before viewing or downloading can begin.

#### **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 to ANNEX 6**.

##### ***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 be authorized in accordance with these Rules and Procedures and the policies of confidentiality and security established in the Commission's Information Security Policy (ISP).
17. The ICCAT 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.

##### ***4.3 Access to non-public domain data by the Staff of the Secretariat, the ICCAT service providers, and Officers of the Commission and its subsidiary bodies***

18. Persons duly authorized by the Executive Secretary, within the ICCAT Secretariat and service providers, including scientific experts within the SCRS, shall have access to the data necessary to perform their ICCAT duties. Officers of the Commission and its subsidiary bodies shall have access to the data necessary to perform their ICCAT duties. All such persons shall sign a Confidentiality Agreement with the Executive Secretary and maintain the data security standards of the Commission in respect of data to which they have access. The Executive Secretary 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 CPC on written request.

##### ***4.4 Access to non-public domain data by CPCs***

19. CPCs 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 ICCAT Convention area
  - b) Covering any vessels fishing in waters under their jurisdiction
  - c) Covering vessels applying to fish in their national waters, unloading in their ports or transshipping fish within waters under their jurisdiction
  - d) For the purpose of scientific and other research, if the CPC that originally provided that data authorizes the Commission to release them. In cases where a CPC elects to provide an ongoing authorization for the release of such data, the CPC may at any time cancel this authorization by notifying the Secretariat that it has revised its earlier decision.
20. CPCs shall notify the Secretariat of a small number of representatives (preferably only 2) authorized to receive non-public domain data. Such notification will include name, affiliation, and contact information (e.g. telephone, facsimile, email address). The ICCAT Secretariat will maintain a list of such authorized representatives. CPCs and the Secretariat shall ensure the list of CPC representatives is kept up to date and made available.

21. The authorized representative(s) of the CPCs 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 ICCAT Secretariat.
22. The non-public domain data described in paragraph 19 will be made available by the Secretariat to authorized representatives of the CPCs for release by the Commission on request and, where appropriate, downloading from the Commission's website in accordance with the Commission's ISP.
23. For the purpose of compliance and enforcement activities on the high seas, non-public domain data will be made available subject to separate rules and procedures for the access and dissemination of such data, that the Commission will adopt for these purposes.
24. VMS data will be made available for scientific purposes, subject to the separate rules and procedures referred to in paragraph 23 above.
25. Access to non-public domain data by CPCs shall be administered by the Executive Secretary on the basis of these Rules and Procedures and the framework at **Appendix 3 to ANNEX 6**.
26. The Executive Secretary will implement the Framework and authorize access to and dissemination of non-public domain data.
27. Unless otherwise decided by the Member or CPC responsible for its external affairs, participating Territories shall have the same access rights to data as CPCs.
28. A CPC 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. A CPC whose representative, authorized in accordance with paragraphs 20 and 21 above, failed to observe the rules stipulated in these Rules and Procedures shall not be granted access to Non-Public Domain data until the appropriate actions have been taken.

#### ***4.5 Exchange of data with other regional fisheries management organizations***

29. If the Commission enters into agreements for the exchange of data with other regional fisheries management organizations (RFMOs) or other organizations, such agreements must include requirements that the other RFMO provides equivalent data on a reciprocal basis and maintains the data provided to them in a manner consistent with the security standards established by the Commission. The data that may be exchanged is specified in **Appendix 4 to ANNEX 6**. At each annual session the Executive Secretary 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.

#### ***4.6 Disseminations of non-public domain data in other circumstances***

30. Non-Public Domain data will be made available by the Secretariat to any persons if the CPC that originally provided that data authorizes the Commission to release them. In cases where a CPC elects to provide an ongoing authorization for the release of such data, the CPC may at any time cancel this authorization by notifying the Secretariat that it has revised its earlier decision. Unless otherwise requested by the provider of the data:

Including universities, researchers, NGOs, media, consultants, industry, federations, etc.

- 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 CPC that originally provided the requested data and the provider shall be requested to authorize 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 ICCAT Secretariat.

31. CPCs that have provided non-public domain data to the Commission shall notify the Secretariat regarding their representatives with the authority to authorize the release of non-public domain data by the Commission. Decisions whether to authorize the release of such data shall be made in a timely manner.

#### 4.7 Force majeure

32. The Executive Secretary may authorize 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 the rules and procedures referred to in paragraphs 23 and 24 above, and amend these if necessary.

#### 6. Final Clause

34. These Rules and Procedures do not prevent a CPC from authorizing the release of any data it has provided to the ICCAT.

**Table 1.** Types of information and confidentiality classification. Certain types of information such as Task I and Task II already have mandatory reporting and are publically available through the ICCAT web site and the ICCAT *Statistical Bulletin*.

<i>Information Type</i>	<i>Risk Classification</i>
Operational level catch and effort data (e.g. set-by-set CPUE)	High
Annual catch estimates stratified by gear/flag and species for the ICCAT statistical areas (Task I)	mandatory reporting already in place
Aggregated catch and effort data stratified by gear/year/month, 5x5 (LL) or 1x1 (surface), and flag (Task II catch/effort)	mandatory reporting already in place
Records of vessel unloading and logbooks	Medium
Transshipment consignments by species	Medium
Biological data (if adequate time has passed to allow the scientists that organized the for collection of such data to publish a paper analyzing it)	mandatory reporting already in place
Conventional tagging data	No risk
Detailed electronic tagging data	Medium
ICCAT Record of Fishing Vessels (vessels authorized to fish; vessels authorized to transport; support vessels; carrier vessels)	mandatory reporting already in place
Vessel and gear attributes from other open sources	No risk
Oceanographic and meteorological data	No risk
Movements of fishing vessels recorded at a fine resolution/VMS vessel position, direction and speed	High
Boarding and Inspection Reports	High
Certified observer personnel	Medium
Certified inspection personnel	High
Catch Documentation Scheme	Medium
Port State Inspection Reports	Medium
Violations and infringements, detailed	High

Annual number of active vessels, by gear type and flag	mandatory reporting already in place
Economic data	[unassigned]
[Social data]	[unassigned]
Fisheries intelligence-sharing information	High
Weekly catch reports	High
Caging declarations	Medium

**Table 2.** Annotations on information types mentioned in **Table 1.**

<i>Information Type</i>	<i>Annotations</i>
Operational level Catch Effort data	Collected on fishing vessel logbooks and by observers.
Compliance-related observer data	Excludes operational catch and effort data, biological data and vessel and gear attributes.
Biological data	Biological data include size data, data on gender and maturity, genetic data, data on hard parts such as otoliths, stomach contents, and isotopic N15/C14 data collected by observers, port samplers and other sources. "Biological data" in this context does not include information identifying the fishing vessel, for example, which would otherwise alter its security classification.
Conventional tagging data	Conventional tagging data include species, release and recapture positions, lengths and dates. "Tagging data" in this context does not include information identifying the fishing vessel that recaptured the tagged tuna, for example, which would otherwise alter its security classification.
Electronic tagging data	Detailed electronic tagging data include detailed records from pop-up or archival tags such as date, time, depth, temperature, light intensity, etc.
ICCAT Record of Vessels	Covers vessels authorized to fish in the ICCAT Convention area also covers records of transport and other types of vessels
Vessel and gear attributes from other sources	Includes data collected by observers and port inspectors. Covers all vessels (i.e. includes vessels restricted to national jurisdiction-domestic fleets). Includes electronic equipment.
Oceanographic and meteorological data	"Oceanographic and meteorological data" in this context does not include information identifying the fishing vessel that collected the information, for example, which would otherwise alter its security classification.
Certified observer personnel	If identified by individual then risk classification would be assigned to HIGH.
Certified inspection personnel	If identified by individual then risk classification would be assigned to HIGH.
Violations and infringements, detailed	May cover individual violations and infringements pending investigation and/or prosecution. Summarized information included in Biannual ICCAT Report from CPCs. Includes compliance information collected by observers.
Economic data	Insufficient information currently available to determine Risk Classification.

**Appendix 1 to ANNEX 6****Public Domain Data**

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

- 1) Annual catch estimates (Task I) stratified by gear, flag and species for the ICCAT statistical area;
- 2) The annual numbers of vessels active in the ICCAT Convention area stratified by gear type and flag;
- 3) Catch and effort/data (Task II) 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 – and made up of observations from a minimum of three vessels;
- 4) Biological data (if adequate time has passed to allow the scientists that organized for the collection of such data to publish a paper analyzing it);
- 5) Conventional tagging data;
- 6) The ICCAT Records of Fishing Vessels;
- 7) Information on vessel and gear attributes;
- 8) Any vessel record established for the purpose of the Commission's VMS;
- 9) Oceanographic and meteorological data;
- 10) [Social data].

**Appendix 2 to ANNEX 6****Examples of Non-Public Domain Data**

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

- 1) Operational level catch-effort data (detailed set-by-set information)
- 2) Records of vessel unloading
- 3) Transshipment consignments by species
- 4) Data describing (at a fine resolution) the movement of vessels including near- real time Commission VMS data (vessel position, direction and speed)
- 5) Boarding and Inspection Reports
- 6) Certified inspection personnel
- 7) Raw data from any Catch Documentation Scheme or Trade Documentation Scheme
- 8) Port State Inspection Reports
- 9) Violations and infringements, detailed
- 10) Economic data
- 11) Fisheries intelligence-sharing information
- 12) Detailed electronic tagging data
- 13) Data that reveal the individual activities of any vessel, company or person, including caging declarations and weekly catch reports.

**Appendix 3 to ANNEX 6****Framework for Access to Non-Public Domain Data**

1. In accordance with the policies for data protection, security and confidentiality established by the Commission's Information Security Policy (ISP), a Contracting Party or non-Contracting Cooperating Entity or Fishing Entity (CPC) shall have access to non-public domain data types covering describing the activities of any vessels:
  - a) covering vessels flying their flag in the ICCAT Convention area or;
  - b) covering any vessels fishing in waters under their national jurisdiction or;
  - c) covering vessels applying to fish in their national waters, unloading in their ports or transshipping fish within waters under their national jurisdiction;
  - d) for the purpose of scientific and other research, if the CPC that originally provided that data authorizes the Commission to release them. In cases where a CPC elects to provide an ongoing authorization for the release of such data, the CPC may at any time cancel this authorization by notifying the Secretariat that it has revised its earlier decision.
2. For the purposes of compliance and enforcement activities on the high seas, non-public domain data will be made available subject to separate rules and procedures for the access and dissemination of such data, that the Commission will adopt for these purposes. VMS data will be made available for scientific purposes, subject to these same separate rules and procedures.
3. In regard to paragraph 1:
  - a) CPCs shall provide a written request for access to such data to the Executive Secretary, specifying the purpose of the Convention by reference to the relevant article(s). In so doing, CPCs shall use the Commission Data Request Form (**Attachment 1 to Appendix 3 to ANNEX 6**).
  - b) The CPC shall undertake to only use such data for the purpose described in the written request. The CPC shall also complete and sign the Commission Confidentiality Agreement (**Attachment 2 to Appendix 3 to ANNEX 6**).
  - c) The Executive Secretary shall not authorize the release of more data than is necessary to achieve the purpose described in the written request.
4. The Executive Secretary shall not authorize access to non-public domain data by any CPC that has not fulfilled its obligations to provide data to the Commission for two consecutive years until all such matters are rectified. The Executive Secretary also shall not authorize access to a CPC whose authorized representative failed to observe the Rules and Procedures for the Protection, Access to and Dissemination of Data Compiled by the Commission until the CPC informs the Executive Secretary that appropriate actions have been taken.
5. The Executive Secretary may attach conditions appropriate for the access to such data (such as that the data be deleted upon achievement of the purpose for which it was released or by a pre-determined date, that a register of persons accessing the data be maintained and furnished to the Commission upon request, etc.)
6. Requests may be made for a standing authorization, such that CPCs may have multiple accesses to the requested data for the same purpose as of the original written request.
7. Dissatisfaction with the Executive Secretary's decisions in regard to access to non-public domain data by CPCs shall be resolved by the Chair of the Commission.

*Attachment 1 to Appendix 3 to ANNEX 6***Data Request Form**

## 1. Data requested

The specification of data being requested should refer to the type of data and any parameters relevant to the type of data, which may include, *inter alia*, the gear types, time periods, geographic areas and fishing nations covered, and the level of stratification of each parameter.

(Insert the list of data sets here)

## 2. Purpose

If non-public domain data are being requested, the use of the data shall be authorized only for the purpose described below.

(If non-public domain data are being requested, insert the description of the purpose for which the data is requested.)

## 3. Persons for whom access to the data is requested if non-public domain data are being requested, the name(s), job title(s) and affiliation(s) of the authorized representative(s) for whom access to the data is being requested shall be listed below; the use of the non-public domain data shall be authorized only for the person(s) listed below.

(Insert the list of persons here)

Sign the Confidentiality Agreement.

*Attachment 2 to Appendix 3 to ANNEX 6***Confidentiality Agreement**

Confidentiality Agreement for the Dissemination of Non-Public Domain Data by the International Commission for the Conservation of Atlantic Tunas (ICCAT).

Applicants name(s) and full contact details and signatures

Full name Institution, address and

Contact details

Signature and Date

I/we agree to the following:

- To abide by any conditions attached to use of the data by the Executive Secretary;
- That the data shall be used only for the purpose for which the data are being requested, be accessed only by the individuals listed in Item 3 of the Data Request Form, and be destroyed upon completion of the usage for which the data are being requested;
- To make no unauthorized copies of the data requested. If a copy of all, or part, of the data requested is made by the applicant, all copies, or part thereof, will be registered with the Executive Secretary and will be destroyed upon completion of purpose for which the data was requested;
- To abide by the Commission's data security standards as specified in the Commission's Information Security Policy and the Rules and Procedures for Protection, Access to, and Dissemination of, Data Compiled by the Commission;
- That prior to the publication of any report of an analysis for which the requested data will be used, the report shall be provided to, and cleared by, the Executive Secretary of the ICCAT, who shall ensure that no non-public domain data will be published;
- To provide copies of all published reports of the results of the work undertaken using the data released shall be provided to the ICCAT Secretariat and to the relevant subsidiary body of ICCAT;

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- Applicant(s) will not disclose, divulge, or transfer, either directly or indirectly, the confidential information to any third party without the written consent of the Executive Secretary;
- Applicant(s) shall promptly notify the Executive Secretary, in writing, of any unauthorized, negligent or inadvertent disclosure of confidential information of the ICCAT.
- Applicant(s) assume all liability, if any, in respect of a breach of this Confidentiality Agreement, once the data requested is released to the applicant(s).
- Pursuant to paragraph 28 of the Rules and Procedures for the Protection, Access to, and Dissemination of, Data Compiled by the Commission, CPC(s) shall not be granted access to non-public domain data until the appropriate actions have been taken to account for any disclosure in violation of the Agreement by the applicant or, *inter alia*, its affiliates, employees, attorneys, accountants, consultants, contractors, or other advisers or agents; and.
- That this Agreement may be terminated by giving written notice to the other party.

#### **Appendix 4 to ANNEX 6**

#### **Data that May be Disseminated to Other Regional Fisheries Management Organizations (RFMOs)**

##### ***Operational level data***

1. Operational-level tuna fisheries data may be disseminated to other regional fisheries management organizations (RFMOs), subject to the terms of the agreement specified in paragraph 29 of these Rules and Procedures. Such data includes catch and effort (including by-catch of mammals, turtles, sharks and billfish), observer, unloading, transshipment and port inspection data.

##### ***Aggregated data***

2. Aggregated catch and effort data may be disseminated to other RFMOs. Such data includes:
  - Data for long line gear aggregated by flag State by 5° latitude and by 5° longitude by month
  - Data for surface gear (including purse seine) aggregated by flag State by 1° latitude and by 1° degree longitude by month
  - Aggregated observer data (made up of observations from a minimum of three vessels).

##### ***Other data***

3. Monitoring, control, surveillance, inspection and enforcement data may be disseminated to other RFMOs. Such data includes:
  - The names and other markings of 'Vessels of Interest' to each organization;
  - Transshipment verification reports for vessels transshipping in the Convention area of one RFMO but which have fished within the Convention area of the other.

**APPENDIX C: IOTC Resolution 12/02: Data Confidentiality Policy and Procedures**

**RESOLUTION 12/02  
DATA CONFIDENTIALITY POLICY AND PROCEDURES**

The Indian Ocean Tuna Commission (IOTC),

RECOGNIZING the need for confidentiality at the commercial and organisational levels for data submitted to the IOTC.

CONSIDERING the provisions set forth in Resolution 10/02 *mandatory statistical requirements for IOTC Members and Cooperating non-Contracting Parties (CPCs)*,

CONSIDERING the provisions set forth in Resolution 11/04 *on a regional observer scheme*,

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. The following policy and procedures on confidentiality of data will apply:

**DATA SUBMITTED TO THE SECRETARIAT**

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

**Standard stratification**

- a) 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.

**Finer level stratification**

- b) 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 IOTC Executive Secretary.
- c) Observer data grouped by 1° longitude by 1° latitude for surface fisheries and by 5° longitude by 5° latitude for longline, stratified by month and by fishing nation are considered to be in the public domain, provided that the activities /catch of no individual vessel can be identified within a time/area stratum.
- d) A Working Party will specify the reasons for which the data are required.
- e) 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 IOTC Executive 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.
- f) The identity of individual vessels will be hidden in fine-level data unless the individual requesting this information can justify its necessity.
- g) Both Working Parties and individuals requesting data shall provide a report of the results of the research project to the IOTC for subsequent forwarding to the sources of the data.

3. The policy for releasing tagging data will be as follows:
  - a) Detailed tagging and recovery data are considered to be in the public domain, with the exception of any vessel names or identifiers and detailed information about the person who recovered the tag (name and address), however, requests for tagging data should be made to the IOTC Executive Secretary through the application form provided at Annex I.

#### PROCEDURES FOR THE SAFEGUARD OF RECORDS

4. Procedures for safeguarding records and databases will be as follows:
  - a) Access to logbook-level information or detailed observer data 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.
  - b) Logbook and observer 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.
  - c) 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 IOTC Executive 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 AND THE SCIENTIFIC COMMITTEE

5. Data submitted to Working Parties and the Scientific Committee will be retained by the Secretariat or made available for other analyses only with the permission of the source.
6. The above rules of confidentiality will apply to all members of Working Parties and the Scientific Committee.
7. This Resolution supersedes Resolution 98/02 *Data Confidentiality Policy and Procedures*.

## APPENDIX D: WCPFC Data Confidentiality Rules and Procedures



### **Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission<sup>1</sup>**

The scope of these Rules and Procedures is data and information held by the WCPFC Commission or Secretariat, and by service providers or contractors acting on their behalf.

#### **1. Basic principles relating to the dissemination of data by the WCPFC**

1. Data and information held by the WCPFC Commission or Secretariat, and by service providers or contractors acting on their behalf, 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 CCM providing the data to the WCPFC authorizes its 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 applying to fish in their national waters, 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, subject to the rules and procedures for access and dissemination of such data that the Commission will adopt under paragraph 23
  - (e) for the purpose of scientific and other research, if the CCM that originally provided that data authorises the Commission to release them. In cases where a CCM elects to provide an ongoing authorisation for the release of such data, the CCM may at

<sup>1</sup> As refined and adopted at the Fourth Regular Session of the Commission, Tumon, Guam, USA, 2-7 December 2007.

any time cancel this authorisation by notifying the Secretariat that it has revised its earlier decision.

6. To the greatest extent practical, the WCPFC Commission, Secretariat and their service providers, should disseminate data in a timely manner.

## **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), 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. Data in the public domain shall not reveal the individual activities of any vessel, company or person and shall not contain private information. Catch and Effort data in the public domain shall be made up of observations from a minimum of three vessels.

10. Annual catch estimates and aggregated catch and effort data that can be used to identify the activities of any vessel, company or person are not in the public domain.

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.

13. The website should contain a statement describing the conditions associated with the viewing or downloading of Public Domain Data (for example, that the source of the data must be acknowledged), and should require the person requesting the data to "Accept" these conditions before viewing / downloading can begin.

## **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 be authorised 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 when 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 applying to fish in their national waters, unloading in their ports or transshipping fish within waters under their jurisdiction
- (d) for the purpose of scientific and other research, if the CCM that originally provided that data authorises the Commission to release them. In cases where a CCM elects to provide an ongoing authorisation for the release of such data, the CCM may at any time cancel this authorisation by notifying the Secretariat that it has revised its earlier decision.

20. CCMs shall notify the Secretariat of a small number of representatives (preferably only 2) 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 will be made available by the Secretariat 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. For the purpose of compliance and enforcement activities on the high seas, Non-Public Domain data will be made available subject to separate rules and procedures for the access and dissemination of such data, that the Commission will adopt for these purposes.

24. VMS data will be made available for scientific purposes, subject to the separate rules and procedures referred to in paragraph 23 above.

25. Access to Non-Public Domain data by CCMs shall be administered by the Executive Director on the basis of these Rules and Procedures and the Framework at Appendix 3.

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. A CCM whose representative, authorized in accordance with paragraphs 20 and 21 above, failed to observe the rules stipulated in these Rules and Procedures shall not be granted access to Non-Public Domain data until the appropriate actions have been taken.

#### *4.5 Exchange of data with other regional fisheries management organisations*

29. If the Commission enters into agreements for the exchange of data with other regional fisheries management organisations (RFMOs), such agreements must include requirements that the other RFMO provides equivalent data on a reciprocal basis and maintains 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 4. 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. For the purposes of these Rules and Procedures, the following organisations will be treated as being equivalent to a RFMO:

- International Scientific Committee (ISC)
- Secretariat of the Pacific Community (SPC)

#### *4.6 Disseminations of Non-Public Domain data in other circumstances*

30. Non-Public Domain data will be made available by the Secretariat to any persons<sup>2</sup> if the CCM that originally provided that data authorises the Commission to release them. In cases where a CCM elects to provide an ongoing authorisation for the release of such data, the CCM may at any time cancel this authorisation by notifying the Secretariat that it has revised its earlier decision. Unless otherwise requested by the provider of the data:

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<sup>2</sup> Including universities, researchers, NGOs, media, consultants, industry, federations, etc

- (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 CCM that originally provided the requested data and the provider 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.

31. 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 whether to authorise the release of such data shall be made in a timely manner.

#### *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 the rules and procedures referred to in paragraphs 23 and 24 above, and amend these if necessary.

#### **6. Final Clause**

34. These Rules and Procedures do not prevent a CCM from authorizing the release of any data it has provided to the WCPFC.

**Table 1. Types of information and confidentiality classification.**

<b>Information type</b>	<b>Risk classification</b>
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 (if adequate time has passed to allow the scientists that organised the for collection of such data to publish a paper analysing it)]	Lowest
Tagging data	Lowest
WCPFC Record of Fishing Vessels (Authorization to fish/Vessel Record)	Lowest
Vessel and gear attributes from other open sources	Lowest
Any vessel record established for the purpose of the Commission's VMS	Lowest
Oceanographic and meteorological data	Lowest
Movements of fishing vessels recorded at a fine resolution / VMS Vessel position, direction and speed	High
Boarding and Inspection Reports	High
Certified observer personnel	Medium
Certified inspection personnel	High
Catch Documentation Scheme / Trade Documentation Scheme	Medium
Port State Inspection Reports	Medium
Violations and infringements, detailed	High
Annual number of active vessels, by gear type and flag	Lowest
Economic data	[unassigned]
[Social data]	[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

The security controls implemented by the Commission will reflect the classifications given to each information type. Where categories within an information type cover two classifications, the higher has been used. If a data type covers more than one row then the higher risk classification would apply.

**Table 2. Annotations on information types mentioned in Table 1.**

<b>Information Type</b>	<b>Annotations</b>
Operational level Catch Effort data	Collected on fishing vessel logbooks and by observers.
Compliance-related observer data	Excludes operational catch and effort data, biological data and vessel and gear attributes.
Biological data	Biological data include size data, data on gender and maturity, genetic data, data on hard parts such as otoliths, stomach contents, and isotopic N15/C14 data collected by observers, port samplers and other sources. “Biological data” in this context does not include information identifying the fishing vessel, for example, which would otherwise alter its security classification.
Tagging data	Tagging data include species, release and recapture positions, lengths and dates. “Tagging data” in this context does not include information identifying the fishing vessel that recaptured the tagged tuna, for example, which would otherwise alter its security classification.
WCPFC Record of Fishing	Vessels (Authorization to fish/Vessel Record) Covers vessels fishing in the WCPFC Convention area outside of waters under their national jurisdiction.
Vessel and gear attributes from other sources	Includes data collected by observers and port inspectors. Covers all vessels (i.e. includes vessels restricted to national jurisdiction – domestic fleets) Includes electronic equipment.
Oceanographic and meteorological data	“Oceanographic and meteorological data” in this context does not include information identifying the fishing vessel that collected the information, for example, which would otherwise alter its security classification.
Certified observer personnel	If identified by individual then Risk Classification would be assigned to HIGH.
Certified inspection personnel	If identified by individual then Risk Classification would be assigned to HIGH.
Violations and infringements, detailed	May cover Individual Violations and infringements pending investigation and/or prosecution. Summarised information included in Annual WCPFC TCC Report from CCMs. Includes compliance information collected by observers.
Economic data	Insufficient information currently available to determine Risk Classification.

**Appendix I****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 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 – and made up of observations from a minimum of three vessels;
- 5) [biological data (if adequate time has passed to allow the scientists that organised for the collection of such data to publish a paper analysing it)];
- 6) tagging data;
- 7) the WCPFC Record of Fishing Vessels;
- 8) [information on vessel and gear attributes compiled from other sources];
- 9) any vessel record established for the purpose of the Commission's VMS;
- 10) oceanographic and meteorological data;
- 11) [social data]; and
- 12) Part 1 of the Annual Report to the Commission by CCMs.

In regard to paragraphs 1, 2, 3 and 4 above - data describing vessels based in a territory of the State in which they are flagged may be stratified (or aggregated) by the name of the territory.

**Appendix 2****Examples of Non-Public Domain data**

The following are examples of types 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) Data describing (at a fine resolution) the movement of vessels including near- real time Commission VMS data (Vessel position, direction and speed)
- 5) Boarding and Inspection Reports
- 6) Regional Observer Programme observer reports, and lists of certified observer personnel
- 7) Certified inspection personnel
- 8) Raw data from any Catch Documentation Scheme or 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
- 14) Data that reveals the individual activities of any vessel, company or person




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## FRAMEWORK FOR ACCESS TO NON-PUBLIC DOMAIN DATA

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1. In accordance with the policies for data protection, security and confidentiality established by the Commission's Information Security Policy (ISP), a member, cooperating non-member or participating territory (CCM) shall have access to non-public domain data types covering describing the activities of any vessels:
  - (a) covering vessels flying their flag in the WCPFC Convention Area or;
  - (b) covering any vessels fishing in waters under their national jurisdiction or;
  - (c) covering vessels applying to fish in their national waters, unloading in their ports or transshipping fish within waters under their national jurisdiction;
  - (d) for the purpose of scientific and other research, if the CCM that originally provided that data authorises the Commission to release them. In cases where a CCM elects to provide an ongoing authorisation for the release of such data, the CCM may at any time cancel this authorisation by notifying the Secretariat that it has revised its earlier decision.
  
2. For the purposes of compliance and enforcement activities on the high seas, non-public domain data will be made available subject to separate rules and procedures for the access and dissemination of such data, that the Commission will adopt for these purposes. VMS data will be made available for scientific purposes, subject to these same separate rules and procedures.
  
3. In regard to paragraph 1:
  - a) CCMs shall provide a written request for access to such data to the Executive Director, specifying the purpose of the Convention by reference to the relevant article(s). In so doing, CCMs shall use the Commission Data Request Form (Annex 1).
  - b) The CCM shall undertake to only use such data for the purpose described in the written request. The CCM shall also complete and sign the Commission Confidentiality Agreement (Annex 2).
  - c) The Executive Director shall not authorize the release of more data than is necessary to achieve the purpose described in the written request.
  
4. The Executive Director shall not authorize access to non-public domain data by any CCM that has not fulfilled its obligations to provide data to the Commission for two consecutive years until all such matters are rectified. The Executive Director also shall not authorize access to a CCM whose authorized representative failed to observe the *Rules and Procedures for the*

*Protection, Access to and Dissemination of Data Compiled by the Commission until the CCM informs the Executive Director that appropriate actions have been taken.*

5. The Executive Director may attach conditions appropriate for the access to such data (such as that the data be deleted upon achievement of the purpose for which it was released or by a pre-determined date, that a register of persons accessing the data be maintained and furnished to the Commission upon request, etc.)
6. Requests may be made for a standing authorization, such that CCMs may have multiple accesses to the requested data for the same purpose as of the original written request.
4. Dissatisfaction with the Executive Director's decisions in regard to access to non-public domain data by CCMs shall be resolved by the Chair of the Commission.

## Annex 1 of Appendix 3




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**DATA REQUEST FORM**


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**1. Data Requested**

*The specification of data being requested should refer to the type of data and any parameters relevant to the type of data, which may include, inter alia, the gear types, time periods, geographic areas and fishing nations covered, and the level of stratification of each parameter.*

[Insert the list of data sets here]

**2. Purpose**

*If non-public domain data are being requested, the use of the data shall be authorised only for the purpose described below.*

[If non-public domain data are being requested, insert the description of the purpose for which the data is requested]

**3. Persons for Whom Access to the Data is Requested**

*If non-public domain data are being requested, the name(s), job title(s) and affiliation(s) of the authorized representative(s) for whom access to the data is being requested shall be listed below; the use of the non-public domain data shall be authorised only for the person(s) listed below.*

[Insert the list of persons here]

- sign the Confidentiality Agreement.




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**CONFIDENTIALITY AGREEMENT**

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**Confidentiality Agreement for the Dissemination of Non-Public Domain Data by the Western and Central Pacific Fisheries Commission**

*Applicants name(s) and full contact details and signatures*

<i>Full name</i>	<i>Institution, address and contact details</i>	<i>Signature and Date</i>

*I/we agree to the following:*

- *To abide by any conditions attached to use of the data by the Executive Director;*
- *That the data shall be used only for the purpose for which the data are being requested, be accessed only by the individuals listed in Item 3 of the Data Request Form, and be destroyed upon completion of the usage for which the data are being requested;*
- *To make no unauthorized copies of the data requested. If a copy of all, or part, of the data requested is made by the applicant, all copies, or part thereof, will be registered with the Executive Director and will be destroyed upon completion of purpose for which the data was requested;*
- *To abide by the Commission's data security standards as specified in the Commission's Information Security Policy and the Rules and Procedures for Protection, Access to, and Dissemination of, Data Compiled by the Commission;*
- *That prior to the publication of any report of an analysis for which the requested data will be used, the report shall be provided to, and cleared by, the Executive Director of the Western and Central Pacific Fisheries Commission, who shall ensure that no non-public domain data will be published;*
- *To provide copies of all published reports of the results of the work undertaken using the data released shall be provided to the WCPFC Secretariat and to the relevant subsidiary body of the Western and Central Pacific Fisheries Commission;*
- *Applicant(s) will not disclose, divulge, or transfer, either directly or indirectly, the confidential information to any third party without the written consent of the Executive Director;*

- *Applicant(s) shall promptly notify the Executive Director, in writing, of any unauthorized, negligent or inadvertent disclosure of confidential information of the WCPFC.*
- *Applicant(s) assume all liability, if any, in respect of a breach of this Confidentiality Agreement, once the data requested is released to the applicant(s).*
- *Pursuant to paragraph 28 of the Rules and Procedures for the Protection, Access to, and Dissemination of, Data Compiled by the Commission, CCM(s) shall not be granted access to non-public domain data until the appropriate actions have been taken to account for any disclosure in violation of the Agreement by the applicant or, inter alia, its affiliates, employees, attorneys, accountants, consultants, contractors, or other advisers or agents; and.*
- *That this Agreement may be terminated by giving written notice to the other party.*

## Appendix 4

### Data that may be disseminated to other regional fisheries management organisations

#### Operational level data

1 Operational-level tuna fisheries data may be disseminated to other regional fisheries management organisations (RFMOs), subject to the terms of the agreement specified in paragraph 29 of these Rules and Procedures. Such data includes catch and effort (including by-catch of mammals, turtles, sharks and billfish), observer, unloading, transshipment and port inspection data.

#### Aggregated data

2 Aggregated catch and effort data may be disseminated to other RFMOs. Such data includes:

- Data for long line gear aggregated by flag State by 5° latitude and by 5° longitude by month
- Data for surface gear (including purse seine) aggregated by flag State by 1° latitude and by 1° degree longitude by month
- Aggregated observer data (made up of observations from a minimum of three vessels).

#### Other data

3 Monitoring, control, surveillance, inspection and enforcement data may be disseminated to other RFMOs. Such data includes:

- The names and other markings of 'Vessels Of Interest' to each organization;
- Transshipment verification reports for vessels transshipping in the Convention Area of one RFMO but which have fished within the Convention Area of the other.