

INTER-AMERICAN TROPICAL TUNA COMMISSION
89TH MEETING
Guayaquil (Ecuador)
29 June-3 July 2015

PROPOSAL IATTC-89 C-1

SUBMITTED BY EL SALVADOR

**AMENDMENT TO RESOLUTION C-13-05 ON DATA
CONFIDENTIALITY POLICY AND PROCEDURES**

EXPLANATORY MEMORANDUM

The availability of data is fundamental for the management of the stocks in the Convention Area, therefore, it is necessary to have the most reliable scientific data available, in order to assess the current status of the stocks of interests and the possible effects of the proposed measures on those resources.

The Antigua Convention establishes in Article XXII that the Commission shall create rules of confidentiality for all the institutions and persons that have access to information in accordance with the Convention. It was thus that at the meeting held in Veracruz, Mexico, in June of the year 2013, Resolution C-13-05 *DATA CONFIDENTIALITY POLICY AND PROCEDURES* was issued, with the aim of giving the general principles for governing the confidentiality of data.

Paragraph 1 of Resolution C-13-05 on standard stratification states that 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; the language of this paragraph allows information about companies to be in the “public domain”.

However, the provisions in various IATTC resolutions that protect the confidentiality of information where there is only one company, such as C-51-01, C-04-10 and paragraph 48 of the IATTC rules of procedure; Resolution C-13-05 omits these mentions; so an amendment of the resolution is considered necessary; that will allow the regulations to be harmonized at the same level as other RFMOs in which various members participate, such as ICCAT and the WCPFC; where it is mentioned that public domain data shall not reveal the individual activities of any vessel, company or person and shall not contain private information.

El Salvador presents for discussion this proposal for an amendment which allows standardized rules for regulating a matter as fundamental as that related to the availability of information.

The Inter-American Tropical Tuna Commission (IATTC),

RECOGNIZING the need for confidentiality at the commercial and organizational levels for data submitted to the IATTC;

CONSIDERING the provisions set forth in IATTC Resolution C-04-10 on *Catch Reporting*;

MINDFUL of the provisions on data confidentiality set in Paragraph 48 of the IATTC Rules of Procedure;

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Agrees:

POLICY FOR RELEASING CATCH-AND-EFFORT, LENGTH-FREQUENCY AND OBSERVER DATA SUBMITTED BY MEMBERS AND COOPERATING NON-PARTIES TO THE IATTC

The policy for releasing catch-and-effort, length-frequency and observer data submitted to the Secretariat by Members and Cooperating Non-Members in compliance with the obligations arising from IATTC Resolutions will be as follows:

1. Standard stratification

Catch, 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, company, or person can be identified within a time/area stratum. In cases when an individual vessel, company, or person 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.

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2. Finer level stratification

- a) Catch-and-effort and length-frequency data grouped at a finer level of time-area stratification will only be released with written authorization from the sources of the data. Each data release will require the specific permission of the Director.
- b) IATTC Working Groups, Committees and other IATTC bodies will specify the reasons for which the data are required.
- c) 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 shall be cleared by the Director. Data may be used in the research project only in a manner that does not identify individuals or individual business information. The data are released only for use in the specified research project and cannot be used for any other purposes. 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.
- d) The identity of individual vessels will be hidden in fine-level data unless the individual requesting this information can justify its necessity. The request shall be cleared by the vessel's flag State in accordance with its domestic legislation.
- e) Both Working Groups and individuals requesting data shall provide a report of the results of the research project to the IATTC for subsequent forwarding to the sources of the data.

POLICY FOR RELEASING TAGGING DATA

3. Detailed tagging and tag 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). Tagging and tag recovery data will be available on the IATTC website.

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 IATTC staff requiring these records for their official duties. Each staff member having access to these records will be required to sign an attestation recognizing the restrictions on the use and disclosure of the information.

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- b) Logbook and observer records will be kept locked, under the specific responsibility of the Head of the Data Collection and Database Program. These sheets will only be released to authorized IATTC personnel for the purpose of data input, editing or verification. Copies of these records will be authorized 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 unauthorized persons. Full access to the database will be restricted to the Head of the Data Collection and Database Program and to senior IATTC staff requiring access to these data for official purposes, under the authority of the Director. 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 GROUPS AND THE SCIENTIFIC ADVISORY COMMITTEE

- 5. The above rules of confidentiality will apply to all members of Working Groups and the Scientific Advisory Committee.

OTHER DATA

- 6. In accordance with Paragraph 48 of the IATTC Rules of Procedure, all other records obtained by the staff of the Commission regarding individual persons, companies or enterprises and their operations 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.