



**TECHNICAL AND COMPLIANCE COMMITTEE
NINTH REGULAR SESSION**

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

**WCPFC-TCC9-2013 - RP06
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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 A provides a summary of the notifications with the date of the most recent update to the register.

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

Member or Territory	Description	Date of most recent update
Australia	Australian MCS and Management Entities	12 June 2010
Cook Islands	Cook Islands MCS Entities Revised	16 July 2013
European Union	EU MCS Entity and Management Entity for WCPFC Data and VMS	18 May 2010
Federated States of Micronesia	FSM MCS Entity and Management Entity for WCPFC Data and VMS	24 October 2012
French Polynesia	French Polynesia MCS Entity Update	11 October 2011
Japan	Japan MCS Entity for VMS	3 August 2011
Kiribati	Kiribati MCS Entity	1 August 2012
Republic of Korea	The Republic of Korea Authorised MCS Entity for WCPFC Data and VMS	12 December 2011
Republic of Marshall Islands	RMI MCS Entities	22 February 2013
Nauru	updated Nauru MCS Authority	7 July 2013
New Caledonia	New Caledonia MCS Entity	29 June 2011
New Zealand (including Tokelau)	NZ Authorized MCS Entity for WCPFC Data and VMS, including Tokelau	2 March 2010 31 August 2012
Niue	Niue's MCS Entity	16 Nov2012
Palau	Palau MCS Entities Update	20 July 2012
Philippines	Philippine MCS Entity for VMS	3 August 2011
Solomon Islands	Solomon Islands MCS Entities	17 May 2013
Chinese Taipei	Chinese Taipei MCS Entities for Access of Non Public Domain Data	20 April 2012
Tonga	Tonga MCS entities	24 August 2012
Tuvalu	Tuvalu MCS Entity and Personnel for Receipt of Non-Public Domain Data	6 November 2012
United States of America	USA MCS Entity and Management Entity for VMS and Management 12 Oct 2011	12 October 2011

Access to WCPFC non-public domain data

3. Last year the Secretariat instituted stronger controls over approvals for access to data and information from the Commission. These protocols were outlined in a paper to TCC8, and included that 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. These protocols all seem to have worked well with no known breaches occurring.

4. 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 provided in Annex 1.

Members and Participating Territory WCPFC data access 2012/13

5. In 2012, the Secretariat received and processed thirty two (32) requests from Members for specific WCPFC data, some of which related to multiple types of WCPFC non-public domain data. Eighteen (18) requests have been received to date from Members during 2013.

6. Annex 2 Table 1 lists all the WCPFC client CCM logins which have been established within the WCPFC VMS system, for accessing WCPFC VMS data through SmartTrac software. Annex 2 Table 2 lists the dates that high seas WCPFC VMS data have been accessed in accordance with paragraphs 19 -25 of the 2009 MCS data RaP from 1 Jan 2012 – 9 Sept 2013.

7. Annex 2 Table 3 provides a list of the other WCPFC data requests which were approved or actioned in 2012/13. It should be noted that despite some requests being that CCMs continue to receive WCPFC data on an ongoing, automated extraction and provision tools are yet to be developed for WCPFC data other than WCPFC VMS and ROP data.

Reports on paragraph 44 of MCS data RaP in Part 2 Annual Reporting covering 2012 activities

8. Members, and as appropriate Territories, are required in accordance with paragraph 44 of the MCS data RaP to provide a report on implementation of the WCPFC data RaP for WCPFC data that they have accessed in the previous year. A report on any WCPFC data which is retained and not destroyed should also be provided. Out of thirty four (34) Annual Report Part 2 submissions received in 2013:

- fourteen (14) CCMs advised that they had received data and information pursuant to the Rules and Procedures. The list of Members that which received WCPFC data during 2012 pursuant to the WCPFC Rules and Procedures, with the exception of CCMs who are yet to submit Annual Report Part 2, mostly matches the reports from those Members which confirmed having received WCPFC data under the WCPFC Rule and Procedures during 2012.
- Fourteen (14) CCMs provided an affirmative report that they had fully complied with the data retention requirements of Section V of the 2009 Rules and Procedures for Access to and Protection of Data.
- Of the fourteen (14) that provided an affirmative report, eight (8) CCMs provided a reply to the question “If data was retained, provide a summary report on the status of any investigation, judicial or proceedings.”: One CCM stated “N/A”, six CCMs stated something along the lines of “no data received in 2012 was retained” and one CCM advised that “any data retained relates to ongoing investigations, and these investigations remain ongoing and have not yet resulted in any charges.”

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 10 September 2013)

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.

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 as part of their contract with WCPFC.

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 Taz-E for enhancements and support to IMS
- 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
- Short term access by Deloitte Touche for IMS and VMS audit;
- Mark Farrell consultant for the WCPFC Disaster recovery and Business Continuity Planning

WCPFC MCS staff and service providers

- access to VMS data through the Commission VMS smart-track system and also WCPFC VMS data through Sydney
 - VMS Manager
 - VMS Operations Officer 1 and 2
 - Compliance Manager
 - Compliance Manager-Assistant
 - 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
 - Compliance Manager-Assistant

- Access to WCPFC ROP data
 - ROP Coordinator
 - ROP Data Quality Officer
 - Compliance Manager
 - SPC-OFP ROP data staff
 - WCPFC ROP data staff

- WCPFC MCS Information Management System: discard report, transshipment reports, HSBI reports, CMM reporting and correspondence, WCPFC Record of Fishing Vessels, Access to Compliance Monitoring Report drafts, provisional reports and correspondence
 - Executive Director
 - VMS Manager
 - VMS Operations Officer 1 and 2
 - Compliance Manager
 - Compliance Manager-Assistant
 - Legal Adviser
 - Compliance Officer
 - ROP Coordinator
 - ROP Data Quality Officer
 - Administrative Data Entry Assistant
 - WCPFC IMS developer and technical support: Taz-E
 - Science Manager
 - Assistant Science Manager

- Access to WCPFC catch and effort data through CES
 - Science Manager
 - Assistant Science Manager
 - Compliance Manager
 - Compliance Manager-Assistant
 - 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
- 2013: Ms Alice Miller – Great Britain
- 2013: Ms Zhi Li– China
- 2013: Mr Yun-lu Teng – China

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;
- access to preliminary and draft Compliance Monitoring Report information; 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, CCMs Annual Report Part 2 and High Seas Pocket Monitoring.

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.
- Certain representatives of WCPFC-registered inter-governmental sub-regional agencies which are recognized as providing advice and assistance to developing State CCMs participation in WCPFC processes (presently SPC, FFA and PNA).

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 WCPFC VMS data and manual entry and exit reports is in accordance with CMM 2010-02

- 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).

Compliance Monitoring Report and Annual Report Part 2

A login provided to each CCM to the WCPFC intranet for CCMs to complete their Annual Report Part 2 and enter their reply to their preliminary draft Compliance Monitoring Report.

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. Access by coastal CCMs to the in-zone VMS data was enabled in accordance with a notification in accordance with WCPFC9 decision, or prior agreements approved by the Commission.

Table 1. List of WCPFC client CCM logins for the WCPFC VMS system (current and previous)¹

	To view flagged vessels in high seas WCPFC area	100nm high seas buffer around EEZ	EHSP SMA	EEZ
Australia	Y	Y		15 March 2013
China	Y			
Cook Islands	Y	Y#	Y#	Y#
European Union	Y			
Federated States of Micronesia	Y	Y#		4 April 2013 #
Fiji	Y			
France - French Polynesia	Y	Y	Y	16 June 2013
Japan	Y			
Kiribati	Y		Y	
Republic of Korea	Y			
Republic of Marshall Islands	Y	Y#		
Nauru	Y	Y#		
France - New Caledonia	Y			13 June 2013
New Zealand (incl Tokelau)	Y	Y		Y
Niue	Y	Y #		1 Jan 2013 #
Palau	Y	Y #		1 Sept 2013#
Papua New Guinea	Y			
Philippines	Y	Y		
Samoa	Y			(to be activated 6 Oct 2013)
Solomon Islands	Y	Y #		
Chinese Taipei	Y			
Tonga	Y	Y#		
Tuvalu	Y	Y #		8 Sept 2013#
United States of America	Y	Y		9 March 2013
Vanuatu	Y			
France - Wallis and Futuna	Y			16 June 2013
FFA Regional Surveillance Centre	Access as a nominated MCS entity where noted # above			

¹ Note only the 100nm high seas buffer is a Data Rules and Procedures data request. Access to other data is provided in accordance with other CMMs and WCPFC decisions.

Table 2. 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 or EHSP-SMA access)

	2012	2013
Australia	15 June 2012 - *	
Cook Islands	13 Mar 2012 - *	
Federated States of Micronesia	25 Apr 2012 - *	
France – French Polynesia	23 Oct – 31 Dec 2012	12 Jan 2013 – 1 Jan 2014
Kiribati	23 July 2012- *	
Japan	23 Oct – 31 Dec 2012	
Republic of Marshall Islands		18 March 2013 - *
Nauru	25 Apr 2012 - *	
France - New Caledonia	13-24 Feb 5-18 Mar 7-20 Jul 27 Aug – 17 Sept 2012	7 – 14 Feb 2013
New Zealand (incl Tokelau)	14 Mar 2012 - *	
Niue	9 Nov 2012 - *	
Palau	15-27 Apr 2012 23 Jul – 5 Aug 2012 4 Oct 2012- *	
Philippines		21 March 2013 - *
Solomon Islands		28 May 2013 - *
Chinese Taipei	20 May – 5 Jun 6 Jun – 20 Jul 21 Jul – 15 Aug 16 Aug - 30 Sept 1 Oct – 24 Oct 2012	24 Jun – 1 Jul 2 – 19 Jul 24 Jun – 10 Jul 11 – 31 Jul 2013
Kingdom of Tonga	6 Sept 2012- *	
Tuvalu		8 Aug 2013 - *
United States of America	6-8 Apr 6-9 Apr 12-15 Apr 18-25 Apr 25-27 Apr 30 Apr – 9 May 2012	30 Jan 2013 - *

Table 3. List of CCMs data requests received and actioned during 2012/13

	ROP DATA (para 19 data RaP, and para 14-15 MCS data RaP)
European Union	ROP data for EU vessels (request from 2011, actioned in 2012) 2013: Specific event in Jan 2012
Federated States of Micronesia	ROP data for FSM vessels ROP data for FSM EEZ and 100nm high seas 25 Apr 2012 - *
Republic of Korea	March 2013 :ROP data for Korea vessels
Republic of Marshall Islands	ROP data for RMI vessels ROP data for RMI EEZ and 100nm high seas 22 Feb 2013 - *
New Zealand	2012 ROP data for NZ vessels – specific trips
Nauru	ROP data for Nauru EEZ and 100nm high seas 2013: Specific event in Jan 2012
Niue	ROP data for Niue EEZ and 100nm high seas 9 Nov 2012 - *
Solomon Islands	ROP data for Solomon Is EEZ and 100nm high seas 28 May 2013 - *
Tonga	ROP data for Tonga EEZ and 100nm high seas 17 May 2012 - *

	HSBI REPORTS (para 17-18 MCS data RaP)
Australia	HSBI Reports submitted by Members (100nm high seas around Australia EEZ or involving Australia vessels or Australia nationals)
Cook Islands	HSBI Reports submitted by Members in EHSP-SMA
Federated States of Micronesia	HSBI Reports submitted by Contracting Parties (100nm high seas around FSM EEZ or involving FSM vessels or FSM nationals) - ongoing Feb 2013: For area of specific MCS operation
Republic of Marshall Islands	HSBI Reports submitted by Contracting Parties (100nm high seas around RMI EEZ or involving RMI vessels or RMI nationals) - ongoing
Solomon Islands	HSBI Reports submitted by Contracting Parties (100nm high seas around SB EEZ or involving SB vessels or SB nationals) – ongoing
Tonga	HSBI Reports submitted by Contracting Parties (100nm high seas around Tonga EEZ or involving Tonga vessels or Tonga nationals) - ongoing
United States	HSBI Reports submitted by Members
France	HSBI Reports submitted by France

	HIGH SEAS TRANSSHIPMENT REPORTS (para 26 MCS data RaP)
Cook Islands	Notices and Declarations 2012: For specific EHSP related analysis Nov 2012 - for area of specific MCS operation
Federated States of Micronesia	25 Apr 2012 - *: Notices and Declarations for 100nm high seas around FSM EEZ or involving FSM vessels or FSM nationals - ongoing Nov 2012 - 2013 - for area of specific MCS operation Feb – Mar 2013 - for area of specific MCS operation Aug 2013 – for area of specific MCS operation
France - French Polynesia	July 2013: Notices and Declarations for investigation of specific event/s
Kiribati	Notices and Declarations Nov 2012 - for area of specific MCS operation Aug 2013 - for area of specific MCS operation
Republic of Marshall Islands	18 March 2013 - *: Notices and Declarations for 100nm high seas around RMI EEZ or involving RMI vessels or RMI nationals - ongoing Notices and Declarations Nov 2012 - for area of specific MCS operation Aug 2013 - for area of specific MCS operation
Nauru	Notices and Declarations Nov 2012 - 2013 - for area of specific MCS operation Aug 2013 - for area of specific MCS operation
Niue	19 Nov 2012 - *: Notices and Declarations for 100nm high seas around Niue EEZ or involving Niue vessels or Niue nationals - ongoing Notices and Declarations Nov 2012 - for area of specific MCS operation Aug 2013 - for area of specific MCS operation
Palau	Notices and Declarations Nov 2012 - for area of specific MCS operation Feb 2013 – for area of specific MCS operation Aug 2013 - for area of specific MCS operation
Solomon Islands	28 May 2013 - *: Notices and Declarations for 100nm high seas around Solomon Is EEZ or involving Solomon Is vessels or Solomon Is nationals - ongoing Notices and Declarations Aug 2013 - for area of specific MCS operation
Tonga	Notices and Declarations for 100nm high seas around Tonga EEZ or involving Tonga vessels or Tonga nationals – ongoing Notices and Declarations Nov 2012 - for area of specific MCS operation
Tuvalu	Notices and Declarations Aug 2013 - for area of specific MCS operation