



TECHNICAL AND COMPLIANCE COMMITTEE

Thirteenth Regular Session

27 September – 3 October 2017

Pohnpei, Federated States of Micronesia

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

WCPFC-TCC13-2017-RP07

6 September 2017¹

Paper prepared by the Secretariat

Purpose

1. The purpose of this paper is:
 - i. to provide an updated summary of WCPFC non-scientific data holdings. This was initially requested by TCC11 and was presented to TCC12; and
 - ii. to provide a report for the year 2016 and 2017, on the administration of the two sets of rules currently in place, namely the:
 - Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission (2007 data RaP); and
 - 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)

List of WCPFC non-scientific data holdings

2. TCC11 requested that the Secretariat summarize the non-scientific data holdings of WCPFC for TCC12 (TCC11 Summary Report paragraph 376). **Annex 1** provides an updated list of WCPFC data holdings.

Access to WCPFC non-public domain data

3. As reported to previous TCC meetings, the Secretariat maintains its system of controls over approvals for access to WCPFC data and information. 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, in the past and currently, seem to have worked well with no known breaches occurring.

¹ Some edits were made in Section “Update to the Register of Authorized MCS Entities and Personnel”

WCPFC data access 2016/2017

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. The updated list for TCC13 is provided at **Annex 2** of this paper and relates to the period 2016/2017.²

5. **Annex 3** lists all the WCPFC client CCM logins which have been established within the WCPFC VMS system, for accessing WCPFC VMS data through SmartTrac software up until 30 June 2016 and for the new Trackwell system from 1 July 2016 onward.

6. In 2016/2017, the Secretariat received and processed sixty (60) requests from Members and others for specific WCPFC data, some of which related to multiple types of WCPFC non-public domain data. **Annex 4** provides a list of WCPFC data requests which were approved or actioned in 2016/17. It should be noted that despite some requests being standing requests for relevant WCPFC data, automated extraction and provision IT tools are yet to be developed for WCPFC data other than WCPFC VMS and ROP data.

Update to the Register of Authorized MCS Entities and Personnel

7. 2009 MCS Data Rules and Procedures (2009 RaP) paragraph 12 require the Secretariat to maintain a register of Authorized MCS Entities and Personnel. This list is available to authorized CCM users on the secure page of the website at <https://www.wcpfc.int/official-circulars-and-contacts>. Since August 2015, one of these groups of official contact details that has been maintained is the Authorized MCS Entities and Personnel for each CCMs.

8. CCMs are again asked to check and ensure that these are accurate and up-to-date.

CCMs reporting on implementation of MCS data RaP, paragraph 44, covering 2016 activities

9. As with previous years, a question was included in the Annual Report Part 2 covering 2016 activities regarding CCMs implementation of paragraph 44 of MCS Data RaP. CCMs had the choice of answering “Yes” meaning the obligation has been implemented; “No” meaning the obligation has not been implemented; or “N/A” meaning CCM determined that the obligation is not applicable. CCMs also had the opportunity to provide further information on each obligation and/or attach any supporting documentations.

10. Twelve CCMs answered “N/A” with regards to MCS RaP paragraph 44; 21 CCMs answered “Yes” and provided some further information; 1 CCM answered “NO” and explained that it is a CNM and 3 CCM have not submitted an Annual Report Part 2. Of the 21 CCMs that answered “Yes”, some provided further information to say that, in summary: data requested is not disseminated and is destroyed in accordance with the rules; CCMs complied with the data retention and destruction requirements; confidentiality of the data received is ensured under regulation; and that processes and procedures are in place to maintain the confidentiality and security of the data.

Recommendation

10. TCC13 is invited to consider and note the report on the administration of the WCPFC data access rules and procedures.

² For past versions since 2013, please refer to Annex 1 of WCPFC-TCC9-2013-RP06, Annex 1 of WCPFC-TCC10-2014-RP07, to TCC11 in Annex 2 of WCPFC-TCC11-2015-RP07, to TCC12 in Annex 2 of WCPFC-TCC12-2016-RP07

Annex 1: Summary of WCPFC non-scientific data holdings

Data Holdings	Relevant CMMs that required this data/data holding
WCPFC Record of Fishing Vessels (RFV) data and associated fished and did not fish reports	CMM 2014-03 (or its earlier versions)
List of Chartered Vessels	CMM 2016-05 (or its earlier versions)
WCPFC IUU vessel list and associated correspondence	CMM 2010-06
Cooperating Non-Members requests and associated correspondence	CMM 2009-11
Non-public domain data requests and associated correspondence	Data RaP 2007 and 2009
VMS related:	
• WCPFC VMS	CMM 2014-02
• Vessel MTU Register	VMS SSPs
• VMS Manual Reporting	VMS SSPs
• MTU Audit Inspections list	VMS SSPs
• List of approved ALCs	VMS SSPs
• “flick the switch” notifications	CMM 2014-02 6c
HSBI related:	
• Register of Inspection Vessels	CMM 2006-08
• HSBI event reporting	CMM 2006-08
• Authorities of fishing vessels	CMM 2006-08
• Authorities of inspection vessels	CMM 2006-08
Online compliance case file system:	
• Article 25(2) compliance cases (2013 onwards)	Convention Article 25 and Article 23(5)
• Alleged infringements based on ROP observer reporting data	
○ FAD Set alleged infringements (2015 to current)	CMM 2016-01 14, 16 and 18 (or its earlier versions)
○ Observer Obstruction alleged infringements (2015 to current)	CMM 2007-01 14 (vii) and WCPFC12 para 569 Att U
○ Shark-catch alleged infringements (2015 to current)	CMM 2010-07 09, CMM 2011-04 01, CMM 2013-08 01
○ ROP Pre-notification issues (2016 to current)	WCPFC12 para 569 Att U
○ Cetacean and Whale Shark interactions (2016 to current)	CMM 2011-03 and CMM 2012-04
Compliance Monitoring Report online system	
• Annual Report Part 2 (2012 onwards)	Various CMMs
• Compliance Monitoring Report (2012 onwards)	Various CMMs that are reviewed in CMR
• Annual reporting against CCM limits in CMMs (2000 onwards)	Various CMMs that are reviewed in Section i) of CMR

Data Holdings	Relevant CMMs that required this data/data holding
ROP related:	
<ul style="list-style-type: none"> • ROP coverage reporting and associated updates 	CMM 2007-01 08
<ul style="list-style-type: none"> • ROP observer programmes and contact points 	CMM 2007-01
<ul style="list-style-type: none"> • List of WCPFC/IATTC cross endorsed observers 	CMM 2007-01
<ul style="list-style-type: none"> • List of ROP observers 	CMM 2007-01
<ul style="list-style-type: none"> • ROP Audit reports 	CMM 2007-01
<ul style="list-style-type: none"> • ROP database 	CMM 2007-01
Other databases:	
<ul style="list-style-type: none"> • High Seas purse seine catch discard reporting 	CMM 2009-02 12
<ul style="list-style-type: none"> • High seas transshipment event reporting 	CMM 2009-06 35 a (iii) and 35 a (iv)
<ul style="list-style-type: none"> • SMA Zone Entry/Exit – EHSP-SMA 	CMM 2010-02
<ul style="list-style-type: none"> • SMA Zone Entry/Exit – HSP-1 	CMM 2015-01 Attachment C (or its earlier CMM)
Contact details:	
<ul style="list-style-type: none"> • Authorized MCS Entities and Personnel 	2009 Data Rules and Procedures
<ul style="list-style-type: none"> • Official contacts 	
<ul style="list-style-type: none"> • Science contacts 	
VMS and IMS Security Audits (2012 onwards)	
CMM Reporting: reports on implementation, notification of catch and/or effort limits for EEZs; reporting against catch and effort limits, reporting on technical specifications; submission of management plans, application of exemptions; notifications regarding choice of Commission rules in overlap area	Various direct reporting to Secretariat as a result of CMM or other WCPFC decision requirements

Annex 2: 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 26 August 2017)

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

ICT Manager & IT Officer: full access for administration and maintenance of the systems and data (including up until 30 June 2017, VMS Data backup for purpose of checking redundancy back-up for the old VMS system ie.SmartTRAC)

- 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;

WCPFC MCS staff and service providers

Access to VMS data through the Commission's new VMS system with Trackwell and also WCPFC VMS data at the VMS data center in Sydney for:

- VMS Manager
- VMS Operations Officer³
- Compliance Manager
- Assistant Compliance Manager
- ROP Coordinator
- ROP Data Quality Officer
- WCPFC VMS Service Provider: Trackwell

³ In early 2017, one VMS Operations Officer resigned, and the position presently remains unfilled.

- Eastern High Seas Special Management Area
 - VMS Manager
 - VMS Operations Officer
 - Compliance Manager
 - Assistant Compliance Manager

- Access to WCPFC ROP data
 - ROP Coordinator
 - ROP Data Quality Officer
 - Compliance Manager
 - Assistant Compliance Manager
 - SPC-OFP ROP data staff
 - WCPFC ROP data staff
 - GEF ABNJ Tuna Project Technical Coordinator-Sharks and Bycatch

- 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
 - Compliance Manager
 - Compliance Manager-Assistant
 - Legal Adviser
 - Compliance Officer
 - ROP Coordinator
 - ROP Data Quality Officer
 - RFV Officer
 - ROP Data Entry staff
 - WCPFC IMS developer and technical support: Taz-E
 - Science Manager
 - Assistant Science Manager
 - GEF ABNJ Tuna Project Technical Coordinator-Sharks and Bycatch

- 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
 - GEF ABNJ Tuna Project Technical Coordinator-Sharks and Bycatch

WCPFC consultants: 2016/2017

Confidentiality agreements were signed and they may have had access to relevant WCPFC non-public domain data information during the period of the consultancy:

- Don MacKay, CMS Independent Review Panel, 2017/18
- Dr. Christopher Rogers, CMS Independent Review Panel, 2017/18
- Andrew Wright, CMS Independent Review Panel, 2017/18
- Kim Duckworth, E-reporting Consultant 2017

WCPFC Interns or Official visitors

Confidentiality agreements 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:

- Yuko Yoshimura-Takamiya, 2017
- Yu-Wei Fan, China, 2017
- Min Ju, China, 2017
- San He, China, 2017

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 RFV and Charter Information;
- 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. In 2014, the Individual CCM portal pages were created (each CCM can access only their own pages and not that of others), and CCMs are provided with supporting information for draft CMRs, as well as an ability to maintain their official contacts list. In 2016 & 2017, the CCM portal pages were again used to disseminate supporting information for Compliance Monitoring Reports.

The following have access:

- WCPFC staff;
- Office bearers of the WCPFC and Subsidiary Bodies;
- SPC-OFP staff working on behalf of the Commission;
- Consultants for matters related to their tasking with WCPFC;
- 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 valid login for each CCM and WCPFC staff

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 all CCMs

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 is available to all CCMs after the RFV SSPs came into force in June 2014. FFA is also given access to the RFV as a duly authorized MCS entity on behalf of some of its members.

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. This login is used for MTU audit data entry by CCMs.

WCPFC VMS Trackwell system – from 1 July 2016 onwards

The VMS SmartTRAC system ended on 30 June 2016 and moved to a new VMS service, using Trackwell system from 1 July 2016. By the cut-over date of 1 July 2016, all CCMs had received their login accounts, together with the latest version of the VMS User Manual. All the individual logins are administered by the WCPFC VMS Manager, duly authorized as submitted by their official VMS contact. All authorized logins have the permissions to access the relevant areas in their EEZ, if CCM have ‘flicked the switch’, and any other areas as previously agreed. Backup support is provided by the WCPFC ICT Manager and escalated to the Trackwell service provider as required.

Annex 3: List of WCPFC client CCM logins for the WCPFC VMS system (current and previous)⁴

CCM	To view flagged vessels in high seas WCPFC area	100nm high seas buffer around EEZ	EHSP SMA **	EEZ
Australia	Y	Y		15 March 2013
Canada	Y			
China	Y			
Cook Islands	Y	Y	Y	14 May 2010 #
European Union	Y			
Federated States of Micronesia	Y	Y		4 April 2013 #
Fiji	Y			
France – French Polynesia	Y	Y	Y	16 June 2013
Indonesia	Y			
Japan	Y	Y		
Kiribati	Y	Y#	Y	
Republic of Korea	Y			
Republic of Marshall Islands	Y	Y#		
Nauru	Y	Y#		19 July 2015 #
France – New Caledonia	Y	Y		13 June 2013
New Zealand (incl. Tokelau)	Y	Y#		23 Feb 2010 #(NZ) 22 Aug 2012 # (TK)
Niue	Y	Y		1 Jan 2013 #
Palau	Y	Y		1 Sept 2013 #
Papua New Guinea	Y			
Philippines	Y	Y		
Samoa	Y			6 Oct 2013 #
Solomon Islands	Y	Y		8 April 2016 #
Chinese Taipei	Y			
Tonga	Y	Y		13 Mar 2015 #
Tuvalu	Y	Y		8 Sept 2013 #
United States of America	Y	Y		9 Mar 2013
Vanuatu	Y			
France – Wallis and Futuna	Y			16 June 2013
Ecuador	Y			
Liberia	Y			
Panama	Y			
El Salvador	Y			
Thailand	Y			
FFA Regional Surveillance Centre	Y	Access as a nominated MCS entity where noted # above		

⁴ 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.

** All CCMs have access to the ‘live list’ (ie. of vessels present in the EHSP). The live list is displayed in the secure page on the website

Annex 4: List of CCMs request received and actioned 2016/ 2017

Submitted By	Reporting Requirement	Short description	Received Date
United States of America	Data RaP MCS 19 - 25	VMS data	7/28/2017
New Zealand	Data RaP MCS 26	High seas transshipment notification	7/27/2017
New Zealand	Data RaP MCS 19 - 25	VMS data	7/18/2017
United States of America	Data RaP 19	Fishing activities of some flag vessels	6/27/2017
Federated States of Micronesia	Data RaP MCS 19 - 25	VMS data	6/22/2017
Palau	Data RaP MCS 19 - 25	VMS data	6/22/2017
Nauru	Data RaP MCS 19 - 25	VMS data	6/22/2017
Solomon Islands	Data RaP MCS 19 - 25	VMS data	6/22/2017
Tuvalu	Data RaP MCS 19 - 25	VMS data	6/22/2017
New Zealand	Data RaP MCS 26	High seas transshipment notification	6/22/2017
France	Data RaP MCS 19 - 25	VMS data	6/15/2017
Australia	Data RaP MCS 19 - 25	VMS data	5/30/2017
Chinese Taipei	Data RaP MCS 19 - 25	VMS data	5/12/2017
Japan	Data RaP MCS 19 - 25	VMS data	4/12/2017
New Zealand	Data RaP MCS 19 - 25	VMS data	4/12/2017
Tonga	Data RaP MCS 19 - 25	VMS data	4/12/2017
Samoa	Data RaP MCS 19 - 25	VMS data	4/12/2017
Cook Islands	Data RaP MCS 19 - 25	VMS data	4/12/2017
Niue	Data RaP MCS 19 - 25	VMS data	4/12/2017
Tuvalu	Data RaP MCS 19 - 25	VMS data	4/12/2017
New Zealand	Data RaP MCS 19 - 25	VMS data	4/12/2017
France	Data RaP MCS 19 - 25	VMS data	2/27/2017
China	Data RaP 29	ROP data	2/10/2017
Korea (Republic of)	Data RaP MCS 19 - 25	VMS data	2/6/2017
United States of America	Data RaP MCS 19 - 25	VMS data	2/1/2017
United States of America	Data RaP MCS 19 - 25	VMS data	1/5/2017
France-NC	Data RaP MCS 19 - 25	VMS data	8/26/2016
United States of America	Data RaP MCS 19 - 25	VMS data	8/12/2016
New Zealand	Data RaP MCS 19 - 25	VMS data	7/20/2016
United States of America	Data RaP MCS 19 - 25	VMS data	7/9/2016
New Zealand	Data RaP MCS 26	High seas transshipment notification	7/8/2016
France-NC	Data RaP MCS 19 - 25	VMS data	7/7/2016
Japan	Data RaP MCS 19 - 25	VMS data	7/4/2016
United States of America	Data RaP MCS 19 - 25	VMS data	6/2/2016
France-NC	Data RaP MCS 19 - 25	VMS data	5/20/2016
New Zealand	Data RaP MCS 19 - 25	VMS data	5/17/2016
Cook Islands	Data RaP MCS 19 - 25	VMS data	5/13/2016
Federated States of Micronesia	Data RaP MCS 19 - 25	VMS data	5/13/2016

Submitted By	Reporting Requirement	Short description	Received Date
Nauru	Data RaP MCS 19 - 25	VMS data	5/13/2016
New Zealand	Data RaP MCS 19 - 25	VMS data	5/13/2016
Niue	Data RaP MCS 19 - 25	VMS data	5/13/2016
Palau	Data RaP MCS 19 - 25	VMS data	5/13/2016
Samoa	Data RaP MCS 19 - 25	VMS data	5/13/2016
Solomon Islands	Data RaP MCS 19 - 25	VMS data	5/13/2016
Tokelau	Data RaP MCS 19 - 25	VMS data	5/13/2016
Tonga	Data RaP MCS 19 - 25	VMS data	5/13/2016
Tuvalu	Data RaP MCS 19 - 25	VMS data	5/13/2016
United States of America	Data RaP MCS 19 - 25	VMS data	5/3/2016
United States of America	Data RaP MCS 19 - 25	VMS data	4/1/2016
Federated States of Micronesia	Data RaP MCS 19 - 25	VMS data	3/29/2016
Nauru	Data RaP MCS 19 - 25	VMS data	3/29/2016
Palau	Data RaP MCS 19 - 25	VMS data	3/29/2016
Marshall Islands	Data RaP MCS 19 - 25	VMS data	3/29/2016
Solomon Islands	Data RaP MCS 19 - 25	VMS data	3/29/2016
Japan	Data RaP MCS 19 - 25	VMS data	3/25/2016
France-NC	Data RaP MCS 19 - 25	VMS data	3/7/2016
New Zealand	Data RaP MCS 19 - 25	VMS data	2/25/2016
France-NC	Data RaP MCS 19 - 25	VMS data	2/11/2016
United States of America	Data RaP MCS 19 - 25	VMS data	1/17/2016
United States of America	Data RaP MCS 19 - 25	VMS data	1/12/2016