

SEFSC Observer Programs: Confidentiality background

In the Southeast region, the responsibility for observer coverage in various fisheries is allocated among different Laboratories. The Miami Lab has responsibility for observer coverage in the Pelagic Longline fishery, the Panama City Lab has the responsibility for the Shark Bottom longline and Shark Drift Gillnet fisheries, and the Galveston Lab has responsibility for observer coverage in the shrimp trawl and reefish fisheries. Confidentiality policies and issues are not uniform amount the three programs, but there are many similarities. All three programs devote time during training to discussing the importance of data confidentiality and the individual program's policies. All three programs have written confidentiality "policies", in the form of a section or sections in training manuals (see below for an example). Two of the three programs require observers to read and sign the NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics.

(b) (5)



Example of the data confidentiality section of an SEFSC Observer Manual, taken from the Galveston Lab Shrimp Trawl Manual:

Data Confidentiality and Access

Data collected by observers and recorded on data sheets and/or in scientific logs are classified as confidential. The data will be submitted to your observer coordinator upon completion of the trip. Access to the data is strictly limited because of confidentiality rules. Therefore, the following must be strictly adhered to:

- 1. All program personnel working with the collection of fishery data will be required to read and sign the NOAA Administrative Order 216-100, Protection of Confidential Fisheries Statistics.*

2. *You will not release the data to persons other than the Observer Program Manager (or designee), or an authorized enforcement officer. You will not discuss the data with any other persons either during or after a trip, unless specifically authorized to do so by the Program Manager. This precaution is necessary to protect the integrity of the data and to fulfill assurances given on protecting the confidential nature of the data.*
3. *You must provide data sheets and/or scientific logs if so requested by an authorized enforcement officer. Data, which are collected under the authority of a mandatory data collection, are accessible to authorized enforcement personnel for the investigation of violations. Data, which are collected under a voluntary data collection program also, must be turned over to an authorized enforcement officer upon request. Use of voluntary data in enforcement actions is covered by regulations, which are presently under review.*
4. *Generally, the confidentiality rules do not allow data with individual identifiers to be released to the public. Only summarized data (which are pooled) are available for public release. Individual data, however, are available for agency use, including use by enforcement officials, when data are collected under mandatory programs. Also, if subpoenaed by a court of jurisdiction, confidential data must be released to other agencies, officials or individuals.*
5. *If requested by the captain, provide a photocopy of data sheets and allow the captain to view the scientific logs, since he/she is the "supplier" of the data. Requests from crew to look at data should be referred to the captain for his/her permission. 6. If requested by other persons, you should state that the data are confidential, he/she is not authorized to release or discuss the data, and all requests for release of data should be made to the Observer Program Manager.*
7. *Requests for confidential data from all other persons should be made to the Observer Program Manager, who will refer the requests to the Laboratory Director who will forward the request to the SEFSC Director and the Regional Data Base Administrator. If the SEFSC Director concurs with the request, he will recommend that the SEFSC Data Base Administrator approve access for the requesting individual. Such access may be on a one-time or more frequent basis as determined by the Data Base Administrator.*
8. *The Regional Data Base Administrator will implement procedures to ensure compliance with items 5 and 6.*
9. *Under no circumstances will individual vessel data be released to the general public, verbally or in publication. Pooled data that are not identifiable to individual vessels may be approved for release.*
10. *Failure of any individual to adhere to the above policy may result in disciplinary action being taken, or dismissal.*