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NMFS FOIA 2010-00153, 25 December 2009

Original Request: *“Pursuant the Freedom of Information Act, 5 U.S.C. 552, as amended, the Association for Professional Observers (APO) requests all documents from the National Marine Fisheries Service (NMFS) meetings and/or workshops on data confidentiality of fisheries observer data and information that took place in April 2003 and again in January 2008. Specifically, we request the following:*

E-mails, agendas, list of attendees, PowerPoint presentations, and handouts given to attendees.”

Released Documents, 20 April 2010:

Items in bold red were partially or entirely withheld (blacked out). If any of these are of interest please e-mail the APO. Please include FOIA Request number in the Subject line.

Data Confidentiality Workshop, April 29-30, 2003

1. Data Confidentiality Workshop Draft Agenda, April 29-30, 2003
- 2. Conclusions of the Alaska Region on the Confidentiality of Observer Data (Memo summarizing a meeting on August 14, 2002 addressed to William Hogarth, then Assistant Administrator for Fisheries, from James Balsiger, Administrator, Alaska Region,): 1 pg. withheld**
3. National Observer Program presentation on the need to keep observer data confidential (Vicki Cornish presentation – then head of NOP, now Vice President marine wildlife conservation, Ocean Conservancy)
4. National Observer Program presentation on NOP Advisory Team statement (Vicki Cornish)
- 5. Revising NOAA Administrative Order (NAO) 216-100 to address confidentiality of observer data (Memo from Hogarth to Regional Administrators, date?): 7 of 14 pages withheld**
6. Information Quality Act
7. MMPA extracts pertaining to release of observer data
8. MSA extracts pertaining to release of observer data
9. NAO 216-100
10. Paperwork Reduction Act
11. Privacy Act
12. Trade Secrets Act extract

National Confidentiality Workshop, January 15-17, 2008

Workshop Agenda and Materials

1. National Confidentiality Workshop Draft Agenda, Attendees, Regional Procedures (37 pages):
 - 1-2: List of Attendees
 - 3-4: Draft Agenda
 - 5: Synthesis of regional data confidentiality procedures and suppression procedures
 - 6-7: Northeast Regional Issues Regarding Data Confidentiality and Suppression
 - 8-12: Southeast Regional Issues Regarding Data Confidentiality and suppression
 - 13-16: Northwest Regional Issues Regarding Data Confidentiality and Suppression
 - 17-18: Southwest Regional Issues Regarding Data Confidentiality and Suppression
 - 19-21: Alaska Regional Issues Regarding Data Confidentiality and Suppression
 - 22-24: Pacific Islands Regional Issues Regarding Data Confidentiality and Suppression
 - 25-26: Northwest Data Collection, Aggregation and Release (Presentation, Jonathan Cusick, Northwest Groundfish Observer Program)
 - 27-28: Pacific Islands Science Center and Regional Office Procedures for Maintaining Data Confidentiality
 - 29: The Marine Mammal Take Reduction Program Uses of Observer Data
 - 30: Sea Turtle ESA Observer Rule
 - 31-35: Northeast Regional Office Presentation (2 pages withheld)**
 - 36-37: Data Suppression Methods at Southwest Regional Office and Southwest Fisheries Science Center

Northwest Region

1. Procedures for Handling Data Release for the West Coast Groundfish Observer Program (WCGOP) Data and Forms (14 pgs.)
2. Northwest region description of regional issues regarding data confidentiality and data suppression (prepared for the National Confidentiality Workshop, January 15-17, 2008, Seattle, Washington (1 pg.)
3. Notice of a new Privacy Act System of Records to deal with permits and registrations for Fisheries in West coast fisheries of Washington, Oregon and California and High Seas permits (Federal Register, November 28, 2006, 7 pgs.)

Alaska Region

4. Confidentiality Guidelines for Observer Information (Memo for AFSC Directors, James M. Coe, Deputy Science and Research Director, Alaska Region, August 22, 2007)

5. Data Security and Confidentiality Handbook for National Marine Fisheries Service, Alaska Region (6 pages).
6. Reciprocal Data Access Agreement: Memorandum of Agreement between the NOAA and the Alaska Department of Fish and Game (ADFG) and the Commercial Fisheries Entry Commission (10pgs)
- 7. Guidance Addressing Protection and use of Government Information under NMFS Federal Assistance Awards (memo to Shawn Carey, Alaska Region, Federal Program Officer from Chief and Senior Counsels, February 8, 2007) – Entirely withheld**

Northeast Region

1. Northeast Regional Issues Regarding Data Confidentiality and Suppression (same document as submitted in preparation for the workshop).
2. Northeast Region Data Access Form
3. Northeast Data Request Procedures (4 pgs)
4. MOU for Exchange and Confidentiality between the NE Regional Office and NEFSC and the State of Virginia Marine Resources Commission (January 11, 1991)
5. NE Regional Office User Accounts Form
6. NERO Vessel Landings History Request Form

Southeast Region

- 7. SEFSC Observer Programs: Confidentiality background (sections withheld)**

Southwest Region

1. Cooperative Agreement between the Board of Land and Natural Resources State of Hawaii and SW Region, SWFSC on the Exchange and Use of Confidential fisheries Information (5 pgs)
2. Joint Pacific Islands Region and Southwest Region Policy for Dissemination of HMS Fishery Data to Regional Fishery Organizations, May 2005 (3 pgs)
- 3. Southwest Region Confidential Related Files relating to Western Pacific Fishery Management Council, State of California, HMS Fisheries (69 pgs. - all but 9 pages withheld)**
4. Southwest Region Summary of Materials relating to Confidentiality (1 pg)
5. SWR and SWFSC Data Confidentiality Handbook (9 pgs)

Pacific Islands Region

6. Confidentiality Workshop Summary for Pacific Islands Regional Office – Observer Program

7. Confidentiality Workshop Summary for Pacific Islands regional Office – Permits
- 8. Data Confidentiality Summary from the Pacific Islands Fisheries Science Center (1 page, about half withheld)**
9. Pacific Islands Fisheries Science Center Policy on Confidentiality of fisheries Operations Data (November 21, 2007)
10. Suggestions for Handling Confidential or Sensitive Data (date?)
11. Joint Pacific Islands Region and Southwest Region Policy for Dissemination of HMS Fishery Data to Regional Fishery Organizations, May 2005 (3 pages)

Western and Central Pacific Fisheries Commission (WCPFC)

12. Proposed Revisions to the Procedures for the Provision of Data (10 pgs.)
13. Rules and Procedures for the Protection, Access to, and Dissemination of Data Compiled by the Commission (3 Nov 2007)
14. Draft Framework for Access to Different Types of Non-Public Data; Draft Data Request Form and Draft Confidentiality Agreement (3 Nov 2007)

Other

15. 15_CFR_Part_905
16. 50 CFR Part 229.11
17. Definitions of Observer
- 18. 2007 NOA-216-100 revisions (13 of 27 pages withheld)**
19. Statement of Nondisclosure (given to observers, council staff, etc.)
20. SIS Data Services' Confidential/Sensitive Data Request Procedure (2 pgs)