

AD HOC SUBGROUP ON DATA ACCESS

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The subgroup noted the underlying principle for data access is to ensure data is freely available for the work within CCAMLR and that the Rules for Access and Use of CCAMLR Data were developed primarily for the purposes of the Scientific Committee in the past. The subgroup also noted that there are separate rules governing CDS data (CCAMLR-XIX, paragraph 5.23). The subgroup agreed that it would be preferable that a single set of data access and management rules govern all data, including CDS data, held by the Secretariat.

2. The subgroup agreed that there are a variety of issues relating to the provision of data to CCAMLR and the use of such data by CCAMLR working groups, intersessional subgroups and individuals of Member countries needing to be addressed. The subgroup considered in general how to improve the current practices and procedures that might facilitate appropriate use of data in all of the work of CCAMLR.

3. Two main issues were identified by the subgroup that need to be addressed:

- (i) how to provide to CCAMLR data which are commercially confidential and/or may have restrictions in national legislation on its transmission to other Parties and how to ensure that such restrictions are maintained during and after any data analysis undertaken by CCAMLR; and
- (ii) how to ensure that data owners have an opportunity for involvement with analyses incorporating their data, especially where such work takes place outside the framework of the agreed program of intersessional work by CCAMLR working groups.

4. The subgroup considered the provision of data and noted that:

- (i) it would be expected that data required to be reported to CCAMLR, would be submitted to the Secretariat and archived in a manner that provides the necessary level of security and allows access only in accordance with specified guidelines;
- (ii) submission of certain types of data might be accompanied by stringent specifications as to the circumstances of their use. This could require, *inter alia*:
 - (a) the analysis of those data be conducted in consultation with the data owners (or expressly with data owner representatives present);
 - (b) that such work be undertaken at a venue with appropriate data security provisions;
 - (c) for access to be restricted to specific and nominated password holders;
 - (d) for the original restricted access data to be returned to data owners in its entirety at the conclusion of the analysis (and/or without any copies being retained centrally); and

(e) that results of all analyses involving the original data be submitted to CCAMLR in a form in which the commercial confidentiality or legislative restriction is fully protected or respected;

(iii) irrespective of the storage location of the source data, provision will need to be made for satisfactorily archiving in the Secretariat the outcomes of analyses along with sufficient documentation and, where necessary, summary data to provide for future reviews of the analyses undertaken.

5. The subgroup recognised the need to distinguish between the use and analysis of data for tasks identified by CCAMLR working groups and endorsed by the Scientific Committee or the Commission and those arising from intersessional requests by individual Members that are not expressly and explicitly related to the endorsed intersessional work program of CCAMLR.

6. In respect of analyses and use of data endorsed by the Scientific Committee or the Commission, it was recognised that such endorsement would need details of the type of data to be used, the degree of aggregation of the data appropriate for the analysis and a specification of how much spatial or temporal information may be required to satisfactorily undertake the agreed analyses. It was also recognised that, in some instances, the general form of presentation of the results will need to be specified to maintain the necessary security on information. The subgroup agreed that with such guidelines the existing rules for data access could be used by the Secretariat to administer requests by Members to use the data in their participation in such analyses.

7. In respect of requests for data outside the prescribed, endorsed work of CCAMLR working groups, requirements should include:

(i) that the original request specifies clearly the nature of the work to be undertaken, including the types and detail of data required, the analytical approaches to be used and the manner and detail of the results to be presented;

(ii) that all owners of data requested for such purposes should have the opportunity to require that any analysis be undertaken in full consultation with appropriate scientists and/or data owners;

(iii) that the consultation and collaboration include full opportunity for data owners to review the appropriateness of analytical approaches and to comment on the content and conclusions of the report submitted to CCAMLR; and

(iv) that Members' CCAMLR Commissioners, or their designated representative, should be the sole point of contact in respect of requests for access to CCAMLR data.

8. The subgroup recommended that the Commission also consider the following points in terms of access to data:

(i) consent required for different kinds of data;

- (ii) accreditation of individuals that have access to data, recognising that this may involve issues concerning, *inter alia*, commercial and scientific sensitivity and confidentiality, compliance with conservation measures and IUU enforcement;
- (iii) rules governing access to spatial and temporal information;
- (iv) rules governing access to commercial information, such as company or vessel identifying characteristics;
- (v) appropriate limits to the period necessary for consultation with data owners in paragraph 6;
- (vi) the need to develop a mechanism to resolve disputes concerning data access; and
- (vii) the need to maintain a distinction between enforcement and scientific purposes when access to data is requested and the purposes for which data are collected.

Advice to the Scientific Committee

9. The subgroup recommended that the guidelines in paragraphs 4 to 6 should be used by the Secretariat in place of the existing rules of access until a new set of rules are agreed.

10. The subgroup recommended that the Secretariat be asked to develop, as soon as practicable, in consultation with Members, a draft set of rules based on these guidelines. The resulting draft should be circulated to Members for comment prior to submitting a new draft for review by the Commission and Scientific Committee, including its working groups, as soon as possible.

11. The subgroup also recommended that during this process it would be appropriate for the Secretariat to review data handling procedures and security within the Secretariat and to consider the requirements needed to maintain data security when data are circulated outside the Secretariat.