

ACCESS TO AND USE OF DATA WITHIN CCAML R

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Over the past couple of years problems occasionally have arisen concerning the use of data provided for work requested by CCAMLR.

2. Article XX, paragraph (1) of the Convention states:

‘The Members of the Commission shall, to the greatest extent possible, provide annually to the Commission and to the Scientific Committee such statistical, biological and other data and information as the Commission and Scientific Committee may require in the exercise of their functions.’

This clearly indicates that the submission/utilisation of data is crucial to the Commission’s effective operation. Commensurate with the functions of the Scientific Committee implicit in Article XV, the analysis of data submitted to CCAMLR should also be directed in pursuance of the Convention’s objectives.

3. Together, these provisions imply that comprehensive, unhindered analyses and exchange of data are required, so necessitating extensive cooperation between researchers in different Member countries. Further, to make timely progress with such work prompt submission and circulation of data are essential.

4. The basic rights of data originators/providers are implicit in the above process. Consequently, the intellectual investment in and time/effort spent collecting specific data entitles the investigator(s) concerned to certain fundamental rights which need protecting. That is, the publication of descriptive, or interpretative, results derived immediately and directly from the data is the first privilege and responsibility of the scientists who collected them.

5. To ensure equitable and practical use of data submitted to the CCAMLR Data Centre, the Commission gave effect to these principles at its Eighth Meeting (CCAMLR-VIII, paragraph 64) by agreeing that:

- (a) All data submitted to the CCAMLR Data Centre should be freely available to Members for analysis and preparation of papers for use within the CCAMLR Commission, Scientific Committee and subsidiary bodies.

- (b) The originators/owners of the data should retain control over any use of their unpublished data outside of CCAMLR.
- (c) When Members request access to data for the purpose of undertaking analyses of or preparing papers to be considered by future meetings of CCAMLR bodies, the Secretariat should supply the data and inform the originators/owners of the data. When data are requested for other purposes, the Secretariat will, in response to a detailed request, supply the data only after permission has been given by originators/owners of the data.
- (d) Data contained in papers prepared for meetings of the Commission, Scientific Committee, and their subsidiary bodies should not be cited or used in the preparation of papers to be published outside of CCAMLR without the permission of the originators/owners of the data. Furthermore, because inclusion of papers in the *Selected Scientific Papers* (now read *CCAMLR Science*) series or any other of the Commission's or Scientific Committee's publications, constitutes formal publication, written permission to publish papers prepared for meetings of the Commission, Scientific Committee and Working Groups should be obtained from the originators/owners of the data and authors of papers.
- (c) The following statement should be placed on the cover page of all unpublished working papers and background documents tabled:

'This paper is presented for consideration by CCAMLR and may contain unpublished data, analyses, and/or conclusions subject to change. Data contained in this paper should not be cited or used for purposes other than the work of the CCAMLR Commission, Scientific Committee or their subsidiary bodies without the permission of the originators/owners of the data.'

6. This carries the clear implication that any scientist wishing to make use of data in the CCAMLR Database other than his own should communicate with the investigator(s) who acquired the data prior to commencing analysis; this consultation is mandatory if any form of publication of the results of analyses is envisaged. These rules and procedures should be applied to all data submitted to CCAMLR.

7. In cases where collaborative undertakings involving data are planned, it is essential to establish responsibilities (i.e., for data submission, analysis and authorship) at the outset.

8. In all cases, it is recommended that effective communication between data users and data owners/originators be established. Permission to publish the results of such usage, and agreements to authorship should be obtained before submission of any subsequent papers for publication.

Extract from SC-CAMLR-XIII/4

Access to and Use of Data within CCAMLR

5.27 The Convener outlined briefly the principles of access to data and use of data within CCAMLR (WG-Krill-94/19).

5.28 Some concern was expressed where collaborative analyses, to be carried out during the intersessional period, were sanctioned by the Working Group during its meeting.

5.29 The Working Group reiterated that:

- (i) analyses presented as Working Group documents are not considered to be public documents; and
- (ii) if the final aim of the analysis is formal publication then the onus is on the person(s) undertaking the analysis to obtain the necessary permission from the originators of the data at the outset of any collaborative undertaking.

5.30 The Working Group agreed that it is highly desirable that in cases outlined in paragraph 5.29 that this permission should be obtained during the relevant Working Group or subgroup meeting.

Extract from SC-CAMLR-XIII/3

CCAMLR Policy on Data Access and Use

8.1 WG-CEMP considered that WG-Krill-94/19 provided a very useful explanation of how the CCAMLR policy on data access and use actually operated and of the principles that should guide the interpretation of this policy.

8.2 WG-CEMP noted that following the procedures set out in WG-Krill-94/19 should prevent some of the difficulties that have arisen in the last couple of years concerning the status of data in documents not actually tabled at CCAMLR meetings but circulated intersessionally for analyses to be presented at subsequent CCAMLR meetings.