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The Association for Professional Observers (APO) is a non-profit organization with the mission to strengthen observer programs through advocacy and education. The APO strongly supports robust, transparent, scientifically-based fisheries monitoring programs that provide sound science to support sustainable fisheries management and reduced bycatch in fisheries.

NMFS FOIA Guidelines Index to NMFS FOIA 2010-00126, 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 the written guidelines and/or rules given to the staff of each National Marine Fisheries Service Observer Program and to the National Observer Program with regard to public access to fisheries observer data and information. We request these guidelines and/or rules from the following time frames and should include any updates sent to observer program staff regarding any clarification of the guidelines and/or rules:*

- 1. 1990-2006*
- 2. 2007 until present*

Released Documents

Please feel free to request any of these documents from us.

1. February 23, 2010: 2 hard copy documents from headquarters
2. September 30, 2010: CD #1: 13 documents from all regions but the Southeast and Northwest:
3. October 13, 2010: CD #2: containing one policy memo from 1992 from the Southeast Region

Headquarters:

1. 15 April 1997: Memo from headquarters. (CD #1: Document #8)
2. 14 March 2008: Memo from Samuel Rauch to All Regional directors, stating that NMFS is developing national standards for aggregation of confidential information but until these NS are made, funnel all FOIA requests through Lisa DeFosse, of the National Observer Program. (Hard copy document, 23 Feb 2010)
3. 02 July 2009: Memo from Ned Cyr to NMFS Science Directors, NMFS Regional Administrators, and Office Directors, describing data aggregation guidelines. These guidelines state that information on takes of protected species must not reveal "the identity or business of any person". It also states that there must be at least 3 participants in a fishery in order for the information to be released. (Hard copy document, 23 Feb 2010)

Magnusun Act Information that is already available on the internet:

4. Magnuson Act provisions (CD #1, Document # 6)
5. MSRA Confidentiality provisions, 2007 (CD # 1, Document #11)

Northeast Fisheries Science Center (NEFSC)

6. NEFSC: Data request form, dated July 2005 (CD #1, Document #1)
7. NEFSC: Data waiver form from the NEFSC, no date (CD #1, Document #2)
8. NEFSC: Policy for Data Requests for Observer-Obtained Information and Trip Data Release, dated January 1, 2010 (CD #1, Document #3)
9. NEFSC: Data release policy for fishermen, which describes how a captain may obtain the data collected by the observer on one of their trips. (CD #1, Document #4)

These documents are only forms. No data policy for the public is included.

Southwest Regional Office (SWR) and Southwest Fisheries Science Center (SWFSC)

10. SWR and SWFSC: Data Confidentiality Handbook, August 1996 (CD #1, Document #12)
11. SWR and SWFSC: Data Confidentiality Handbook February 1997 (CD #1, Document #13)

No recent data policy was released.

Pacific Islands Fisheries Science Center (PIFSC)

12. Honolulu Laboratory: Policy on confidentiality of fisheries operations data, dated 12/14/1999 (CD #1, Document #5)

No recent data policy was released

Alaska Fisheries Science Center (AFSC)

13. AFSC: memo from Bill Karp, Confidentiality and Appropriate Use of Observer Data, dated April 16, 2007 (CD #1, Document #7)

14. AFSC memo from James Coe, dated April 22, 2007 – mentions a committee that formed to deal with confidentiality issues and describes different data aggregation guidelines. (CD #1, Document # 9)

No data policy prior to the 2007 MSRA was released.

Southeast Region – all in CD #2, 13 Oct 2010

15. 24 June 1992: SEFSC Policy Memo on Response to Data and Information Requests

16. Observer Training Manual

17. Observer Field Instructions

18. Observer and Vessel Responsibilities

No recent data policy was released.

Northwest Science Center/Region

No documents released.