

## **Northeast Regional Issues Regarding Data Confidentiality and Suppression**

**Data collections in the Northeast affected by confidentiality requirements are as follows:**

- Commercial fisheries statistics (landings, prices, etc.) collected from fish dealers and processors. This includes data are collected under State and Federal authority.
- Vessel trip reports collected from Federally permitted vessels operating under the region's Fishery Management Plans which require a logbook. These data include catch, effort, gear characteristics, and spatial data variables.
- Observer data collected by fishery observers at sea aboard commercial fishing vessels. The Northeast Observers Program collects, processes and manages data and biological samples. These data are collected for scientific and fisheries management purposes. Observed trips are required under many of the region's fishery management plans, and for some fisheries by other federal laws and authorities such as the Marine Mammal Protections Act, the Sustainable Fisheries Act and the Magnuson-Stevens Fishery Conservation and Management Act.
- Economic survey data collected from commercial fishing vessels using customized survey instruments or collected by observers while at sea.
- Vessel Monitoring System (VMS) data. These data are collected from commercial fishing vessels operating under Fishery Management Plans with the VMS requirement. These data are collected and managed by the Office of Law Enforcement.

### **Northeast's process for protecting confidential data**

#### Existing Policy

- NOAA Administrative Order 216-100, dated July 18, 1994, Protection Of Confidential Fisheries Statistics.
- Magnuson-Stevens Fishery Conservation and Management Act, amended through Jan 12, 2007. Section 402. 109-479 (b). Confidentiality of Information.

Procedure for non-NOAA Requestors: Upon receipt of a data request, determine the eligibility of the requestor to receive confidential data within the guidelines of NAO 216-100. If eligible and the requestor is not a NOAA employee, then provide a Data Access Agreement template to be completed by the requestor to define:

- 1) the organizational relationship between the requestor and NOAA,
- 2) the project description for which the data will be used,
- 3) the specific data time series being requested,
- 4) the time period during which the data will be used,
- 5) the individual(s) requiring access to the confidential data,

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- 6) the organizational individual(s) responsible for protecting the data,
- 7) the necessary review requirements by NOAA before project reports using the confidential data can be released to the public,
- 8) the consequences for unauthorized disclosure, misuse, or other violation of the confidentiality of statistics made available to the requestor.

Upon receipt of the completed DRAFT template from the requestor submit to NOAA General Counsel (GC) for review and comment.

Finalize the completed DRAFT template from review comments provided by NOAA GC and submit to the requestor for review and signatures of acceptance to the terms of the Access Agreement.

Upon receipt of a signed final agreement from the requestor complete the signatures for NOAA and provide the data time series being requested to the requestor.

#### Procedure for NOAA Requestors

Access to confidential data by NOAA staff is covered by a "statement of nondisclosure" which is signed by the requestor and their supervisor. The more detailed Access Agreement outlined above is usually not required.

#### Existing data suppression methods used for aggregation of confidential data.

For requestors who are not qualified to receive confidential data, the response may be provided in an aggregated form. The aggregation and suppression of certain columns must render the resulting content non-confidential.

Aggregation is usually based on the rule of three. Data variables that identify a firm or a reporting entity such as a vessel, trip, or dealer are suppressed.

Templates of data access forms: Provided upon request.