

## **CMM 03(2025)<sup>1</sup>**

### **Conservation and Management Measure for Data Confidentiality and Procedures for access and use of data (Data Confidentiality)**

#### **The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement;**

*RECOGNISING* that Article 4(a) of the *Southern Indian Ocean Fisheries Agreement* (SIOFA or the Agreement) calls on the Contracting Parties, in giving effect to the duty to cooperate, to adopt measures on the basis of the best scientific evidence available to ensure the long-term conservation of fishery resources, taking into account the sustainable use of such resources and implementing an ecosystem approach to their management;

*FURTHER RECOGNISING* Article 11(3)(d) of the Agreement which provides that Contracting Parties shall collect and share in a timely manner, complete and accurate data concerning fishing activities by vessels flying its flag operating in the area, in particular on vessel position, retained catch, discarded catch and fishing effort, where appropriate maintaining confidentiality of data as it relates to the application of relevant national legislation; and

*RECALLING* Article 14 of the Agreement which calls on Contracting Parties to promote transparency in decision making processes and other activities carried out under the Agreement;

#### **ADOPTS the following Conservation and Management Measure (CMM) in accordance with Article 6 of the Agreement:**

1. This CMM establishes the policy and procedures on confidentiality of data that will apply to data collected from Contracting Parties, cooperating non-Contracting Parties (CNCs) and Participating Fishing Entities (PFEs), collectively CCPs, in accordance with the Agreement and relevant SIOFA CMMs.

#### **Data submitted to the Secretariat**

2. The policy for releasing catch-and-effort, length-frequency and observer data will be as follows:

##### *Public domain data*

a. The following data shall be considered to be “public domain data”:

- i. Data for vessels including current flag, name, registration number, international radio call sign, IHS-Fairplay (IMO) number, previous names, port of registry, previous flag, type of vessel, types of fishing methods, length, length type, gross tonnage (and/or gross registered tonnage), power of main engine(s), hold capacity, vessel authorisation start and end dates; and
- ii. Observer data grouped by 5° longitude by 5° latitude, stratified by month and by flag State, provided that:
  - the catch of no individual vessel can be identified within a time/area stratum; and
  - the flag State that submitted the data provides its written authorisation that such data be considered to be “public domain data”.

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<sup>1</sup> CMM 03(2025) (Data Confidentiality) supersedes CMM 03(2016) (Data Confidentiality).

b. The following data shall be considered to be “public domain catch and effort data”:

- i. Catch-and-effort and length-frequency data grouped by 5° longitude by 5° latitude by month stratified by fishing method associated with catch and flag State, provided that the catch of no individual vessel can be identified within a time/area stratum. In cases when an individual vessel can be identified, the data will be aggregated to preclude such identification, and will then be “public domain catch and effort data”.
- ii. Catch-and-effort and length-frequency data grouped by sub-area by year, stratified by fishing method associated with catch and flag State, in the strict frame of annual international cooperation on fishing data.

c. The Secretariat shall compile and disseminate “public domain data”, and “public domain catch and effort data” provided the conditions in paragraph 2(b) are satisfied through appropriate mechanisms, including the SIOFA website.

*Finer level stratification*

d. Finer-scale data including catch and effort, length-frequency and observer data will be made available to the Scientific Committee and any of its working groups, to undertake its work:

- i. on a restricted basis for catch-and-effort and length-frequency data grouped by 1° longitude by 1° latitude, provided that it does not identify a single fishing event;
- ii. on a confidential basis for other finer-scale data.

e. Catch and effort and length-frequency data grouped at a finer level of time-area stratification will only be released with written authorisation from the flag State that submitted the data. Each such data release will also require the specific permission of the Secretariat.

f. Individuals requesting the data are required to provide a description of the research project, including the objectives, methodology and intentions for publication. Prior to publication, the manuscript should be cleared by the Secretariat. The data are released only for use in the specified research project and the data must be destroyed upon completion of the project. However, with written authorisation from the flag State that submitted the data, catch-and-effort and length-frequency data may be released for long-term usage for research purposes, and in such cases the data need not be destroyed. Those individuals requesting data shall adhere to the SIOFA standard operating procedure for data use and data requests (Annex L of MoP9 Report) available on the website.

g. The identity of individual vessels will be hidden in finer-level data unless the individual requesting this information can justify its necessity and the flag State that submitted the data provides its written authorisation.

h. Individuals requesting data shall provide a report of the results of the research project to the SIOFA Secretariat for subsequent forwarding to the sources of the data.

3. VMS data shall be considered confidential data and shall be processed in accordance with the specific requirements of CMM 16(2025) (Vessel Monitoring System) whereby ‘processed’ refers to the collection, recording, organisation, structuring, storage, retrieval, consultation, use, disclosure by transmission, deletion, dissemination or otherwise making available of VMS data.

## **Economic information<sup>2</sup>**

4. Economic information such as catch landing value, vessel company turnover and crew wages will be considered:

- a) "Public domain data" when it corresponds, at minimum, to the data of three vessels;
- b) Confidential when it doesn't meet the sufficient level of aggregation to be considered as public domain data.

## **Procedures for the safeguarding and securing of records**

5. Procedures for safeguarding records and databases will be as follows:

- a. Access to logbook-level information, VMS data or detailed observer data will be restricted to SIOFA staff members who require these records for their official duties. Each staff member having access to these records will be required to sign an attestation recognising the restrictions on the use and disclosure of the information.
- b. Logbook and observer records will be kept locked, under the specific responsibility of the Data Officer. These sheets will only be released to authorised SIOFA staff members for the purpose of data input, editing or verification. Copies of these records will be authorised only for legitimate purposes and will be subjected to the same restrictions on access and storage as the originals.
- c. Databases will be encrypted to preclude access by unauthorised persons. Full access to the database will be restricted to the Data Officer and to senior SIOFA staff members requiring access to these data for official purposes, under the authority of the SIOFA Executive Secretary. Staff entrusted with data input, editing and verification will be provided with access to those functions and data sets required for their work.
- d. CCPs and the Secretariat shall take appropriate measures to protect all data against accidental or unlawful destruction, loss, alteration, unauthorized disclosure or access, and against all unauthorized forms of processing.

## **Data submitted to the Scientific Committee**

- 6. Data submitted to the Scientific Committee and any of its working groups will be retained by the Secretariat or made available for other analyses only with the permission of the flag State that submitted the data.
- 7. The above rules of confidentiality will apply to all members of the Scientific Committee and any of its working groups.
- 8. The Secretariat shall inform the MoP of measures taken to implement these confidentiality and security provisions.

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<sup>2</sup> Applicable in situations where economic information is voluntarily provided by CCPs.