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Southern Indian Ocean Fisheries Agreement
Accord relatif aux Pêches dans le Sud de l'Océan Indien

9th Meeting of the Compliance Committee (CC9) and 12th Meeting of the Parties (MoP12)

Ebene, Mauritius, 25–27 June 2025 and 30 June – 04 July 2025

MoP-12-35 / CC-09-19

Proposal Amendment to CMM03(2016) Data confidentiality

Proposed by the delegation of France Overseas territories

Meeting	Compliance Committee ✓ Meeting of the Parties ✓
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Abstract	
<p>These proposed amendments aim at implement modifications related to the VMS implementation process and to the longer-term thinking on data confidentiality within the various SIOFA bodies.</p> <p>The proposed amendments :</p> <ul style="list-style-type: none">- Add, as public domain data, the catch-and-effort and length-frequency data grouped by sub-area by year in order to ensure proper reporting as part of annual data collection at international level ;- Modify the qualification “confidential” to “restricted” in article 2 d), in coherence to the work made by the Scientific Committee and presented in the document SC-08-INFO-16 ;- Add a confidentiality categorisation for economic information ;- Introduce necessary modifications related to VMS.	

¹ Restricted documents may contain confidential information. Please do not distribute restricted documents in any form without the explicit permission of the SIOFA Secretariat and the data owner(s)/provider(s).

² Documents available only to members invited to closed sessions.

Recommendations
<ul style="list-style-type: none">• For CC9 to review the proposal and propose it for adoption to MoP12• For MoP12 to review and adopt the proposal

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CMM 03(~~2016~~2025)³**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) in accordance with the Agreement and relevant SIOFA CMMs.

Data ~~S~~ubmitted 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:

A. the catch of no individual vessel can be identified within a time/area stratum; and

B. the flag State that submitted the data provides its written authorisation that such data be considered to be “public domain data”.

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

³ Obsolete references have been updated by 2023 technical edits.

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 keep “public domain catch and effort data” confidential until the Meeting of the Parties has acted on the advice of the Scientific Committee in relation to a SIOFA Bottom Fishing Impact Assessment and SIOFA bottom fishing footprint as provided for under the Conservation and Management Measure for the Interim Management of Bottom Fishing in the SIOFA Agreement Area (CMM 01(2023)). This will not prevent observer data or finer scale catch and effort data being made available by the Secretariat to the Scientific Committee on a confidential basis where required.~~

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

Finer level stratification

~~ed) 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, on a confidential restricted basis, to undertake its work.~~

~~fe) 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.~~

~~gf) 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.~~

~~hg) 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.~~

~~ih) 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.~~

2 bis) Economic information will be considered :

a) “Public domain data” when it corresponds, at minimum, to the data of three vessels or aggregated at the country level ;

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

3. 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~~Manager. 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~~Manager 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.

c bis) 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 inappropriate forms of processing.

Data submitted to the Scientific Committee

4. 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.

5. The above rules of confidentiality will apply to all members of the Scientific Committee and any of its working groups.

5 bis. The Secretariat shall inform the MoP of measures taken to implement these confidentiality and security provisions.