

Ref.: 2022-02-23-1/SIOFA-SCC

La Reunion, Wednesday 23rd February 2022

SC- CIRCULAR n° 2022-11

SUBJECT: Transparency Note and review report process

Dear Heads of Delegation of the Scientific Committee,
Dear Colleagues

In preparation for the 7th SIOFA Scientific Committee, the Secretariat received a draft report from the Project Manager for circulation to the Heads of Delegation of the Scientific Committee. This report was forwarded as is, only to the Heads of Delegation of the Scientific Committee, for review and comment.

One CCP expressed their concern about figures in the report which showed precise historical fishing locations and requested the immediate withdrawal of the report. Additionally, the CCP requested that the publication of any documents, notes, reports or ongoing work containing its data be temporarily halted to allow for review and specific approval prior to publication.

After an investigation, it was confirmed that no fine-scale data from this CCP was provided to the consultant, used in the analysis, nor presented in the draft report. However, fine-scale data from three other CCPs were provided and were presented in the draft report.

In order to avoid a recurrence of this type of incident, I have requested the Secretariat ensure that data confidentiality rules are respected prior to the release of any document, and I have worked with the Secretariat and the Working Group Chairs to develop a paper to update the procedures for reviewing and publication of consultants' reports.

The paper on the transparency and distribution of Scientific Committee meeting documents (also given as Annex A in this circular) outlines a proposed process to review reports provided by consultants. The process was trialled in the preparation of SERAWG4 and PAEWG4. For this reason, the documents of the different working groups could not be circulated within the timeframe normally required by the rules of procedure, for which the I apologise, but it was important to regain the confidence of all contracting parties to ensure that appropriate data are available for ongoing and future studies.

Please take note of the attached document and send any comments you may have by 11 March 2022, so that we can include your suggested comments or revisions during SC7.

Thank you for your understanding in this matter, and I look forward to any comments you may have on the proposed process for papers submitted to the meetings of the Scientific Committee.

Sincerely yours,

Alistair DUNN

A handwritten signature in black ink, appearing to read 'A. Dunn' with a long horizontal flourish extending to the right.

Scientific Committee Chairperson

Annex I – Proposed paper for SC7

Transparency and distribution of Scientific Committee meeting documents

SIOFA Scientific Committee Chair and Vice-Chair, and the Chairs of SERAWG and PAEWG

1. Introduction

The implementation of rules regarding confidentiality of data and commercially sensitive information and financial matters has been a topic of discussion at recent scientific working groups of SIOFA. To assist this discussion, and to help clarify the procedures for documents at scientific meetings, the Scientific Committee Chair and the Chairs of the Working Groups propose that the SIOFA Scientific Committee revise its procedures regarding the review, submission, and publication of scientific reports.

Distribution of documents for the SIOFA Scientific Meetings was previously considered in paper MoP-04-14 (Du Rietz 2017). That paper noted that SIOFA Agreement Article 14 provides for the promotion of transparency in decision making processes and other activities carried out under the Agreement. Posting of meeting documents and meeting reports on the publicly available part of the website, as done by other RFMOs, would achieve this transparency.

Meeting documents may contain information that is subject to SIOFA rules relating to the confidentiality of data and commercially sensitive information and financial matters. We note that there may be some trade-offs between the provision of detailed information in scientific reports and rules relating to the confidentiality of data and commercially sensitive information and financial matters. Hence, we note that there may be circumstances where consultation between report authors and CCPs on specific issues will assist in ensuring that the rules are followed while allowing the appropriate level of information to be considered by the scientific working groups at its meetings. Papers that present information considered confidential or sensitive could be posted in a secured section of the website, and only their title and authors (optionally the abstract) made publicly available.

We recommend that

1. The Scientific Committee adopt the revised procedures detailed in Annex A for the submission of documents to the Scientific Committee and its working groups
2. The Scientific Committee adopt the report review form for SIOFA commissioned scientific consultant reports and associated presentations to the Scientific Committee or its working groups, given in Annex B
3. The Scientific Committee adopt the Confidentiality agreement to access restricted papers, given in Annex C
4. That the Scientific Committee request the Secretariat develop
 - a. A standard template for consultant reports so that they are consistent with the report format required for reports submitted to SIOFA Scientific Working Groups
 - b. A template for communications when circulating draft consultant reports that may contain confidential data to the appropriate CCPs for review and approval (i.e., where the report shows or presents confidential data, commercially sensitive information, or financial matters that have not been approved by SIOFA and the relevant CCPs)
 - c. A template for communications that distribute draft consultant reports to Scientific Committee HoDs that request review, and including appropriate confidentiality requirements
 - d. A proposal for a classification system for restricted documents and regulation of access by meeting participants

5. The Scientific Committee recommend to the MoP that the recruitment procedures for consultants be revised to include the report review form, given in Annex B

2. Distribution of meeting documents

The MoP considered the approach proposed by the Scientific Committee at 4th Meeting of Parties. MoP-04-14 noted that:

1. Subject to any rules relating to the confidentiality of certain data and commercially sensitive information and financial matters, all meeting documents to be made available on the publicly accessible part of the SIOFA website prior to any meeting.
2. Meeting documents subject to rules relating to confidentiality to be made accessible via a secure part of the SIOFA website.
3. Access to the secure part of the website be made available to official contacts or registered participants of a SIOFA Contracting Party or Participating Fishing Entity
4. Re-drafts of working papers under development through the course of a meeting will not be made available on publicly accessible part of the SIOFA website.
5. Meeting reports signed/approved by the Chairperson to be uploaded on the publicly accessible part of the SIOFA website.

We propose that the procedures outlined in MoP-04-14 be revised with those given in Annex A. The revision is intended to assist to clarify the procedures relating to documents submission and transparency of scientific meeting documents.

However, we also note that in order to improve transparency, and following the recommendations of MoP-04-14, we are proposing that document titles and authors (and optionally an abstract) of restricted documents also be made available on the public section of the SIOFA website. This would allow external observers and scientists to be aware of the existence of reports (but not the confidential content) that may be relevant to their work within and outside SIOFA.

3. Review of scientific consultant reports and presentations

The review of draft reports by consultants contracted to SIOFA should be undertaken as outlined in Figure 1. Note that The Secretariat will contact relevant CCPs if the report includes information that is considered confidential or sensitive. The first stage of the review would be expected to take two weeks to complete.

Reports are reviewed by the SC Heads of Delegation (SC HoDs) during Stage 2 of the review process. SC HoDs will be specifically requested to evaluate whether the report should be made available as a restricted document. Stage 2 review would be expected to take about one week to complete.

When a report is approved following review, it is considered final and ready for submission to the appropriate WG.

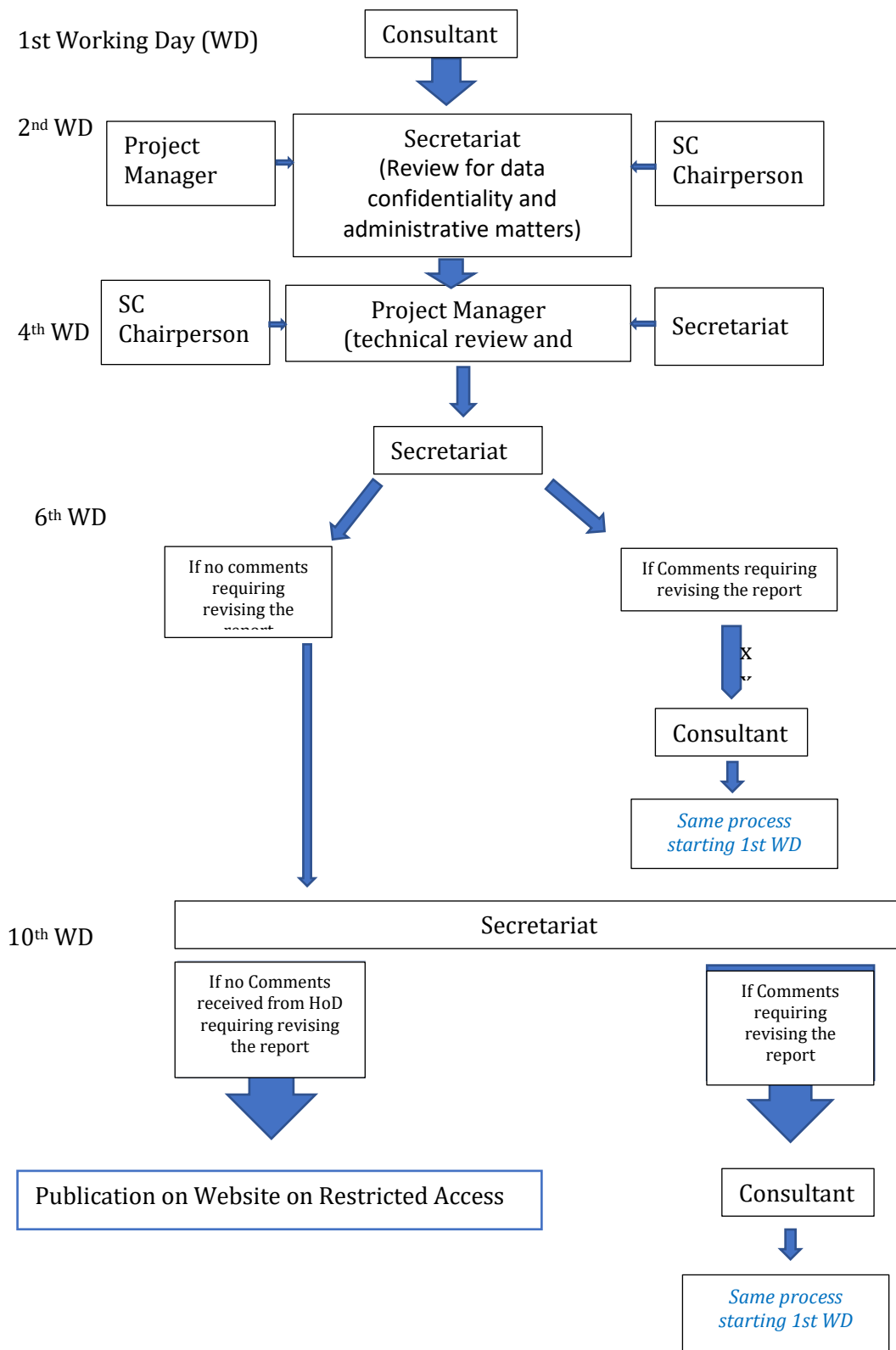


Figure 1 – Example of the schema of the consultant report review process, detailing the status of the report and the stage of the review process.

The procedure for the recruitment and publication of consultant reports is:

1. Publication of the Terms of Reference for the project on the SIOFA website (Secretariat)
2. Selection and appointment of the consultant (i.e., as per the SIOFA rules of recruitment).
3. Monitoring (i.e., the Secretariat, relevant WG Chair, or assigned Project Manager)
4. A consultant draft report is submitted to the Secretariat for review process, including a confidentiality check with relevant CCPs as needed. If this stage of the review recommends that revisions are needed, the Secretariat will contact the consultant and request the report to be revised before proceeding to the next stage.
5. Once the report clears Stage 1, the Secretariat circulates it to the SC HoDs for Stage 2 of the review process. The outputs of this review stage are communicated to the Executive Secretary, which according to the recommendations of SC HoDs can either go back to the consultant with a request for revision or be cleared for submission to the appropriate WG and on the SIOFA website.
6. When a report clears both stages it is considered final, and it is published on the SIOFA meetings webpages. SC HoDs recommendations should be explicit on whether the report access is to be restricted or public.

In order to clarify the review and dissemination steps of this process, we propose that the review of scientific draft and final reports from consultancies commissioned by SIOFA be formally recorded using the template in Annex B before the report is accepted and circulated.

4. References

Du Rietz, K. (2017). Transparency and Distribution of Meeting Documents. 4th Meeting of Parties MoP-04-14. Southern Indian Ocean Fisheries Agreement (SIOFA), Aanari Hotel & Spa, Flic and Flac, Mauritius, 2 p.

5. Annex A: Submission and publication of scientific working group documents

1. Subject to any rules relating to the confidentiality of data and commercially sensitive information and financial matters, all Scientific Committee or any of its working groups or subsidiary bodies (collectively, SC in the sections below) meeting documents will be made publicly accessible on the SIOFA website.
2. SC meeting documents subject to rules relating to confidentiality of data and commercially sensitive information and financial matters will
 - a. Be made accessible only as restricted documents on the SIOFA website.
 - b. The title, author and optionally the abstract, will be made publicly available on the website along with a note that the document is available only as a restricted document
3. Any document submitted to the SC originating from a contributor that is not a CCP, including the Secretariat, must be assessed for the risk that it may be subject to rules relating to the confidentiality of data and commercially sensitive information and financial matters.
 - a. Where there is any risk, the Executive Secretary must consult with the author, the appropriate scientific Chair, and the relevant CCPs before approving the document for submission.
4. Any document submitted by consultants will undergo a two-stage review process (see details in Annex B) that is intended to check for potential confidentiality issues and ensure that the quality of the paper is sufficient for submission to the scientific bodies of SIOFA. The final stage of this review process should clearly indicate whether the document access is to be restricted.
5. Any document submitted to the SC by a CCP must indicate, as a part of the document submission, if this document should be placed on the restricted section of the SIOFA website.
6. Access to restricted documents on the SIOFA website is to be granted only to meeting participants registered to a CP or a PFE and to a CP or a PFE official contact. If an Observer wishes to have access to a restricted document, he/she should make a request to the Secretariat, justify his/her need and fill in a Confidentiality Agreement (see Annex C). The Secretariat will then contact the relevant CCPs to obtain their consent prior to any transmission of documents.
7. Revisions of SC documents
 - a. Revisions of documents prior to and through the course of a meeting will be made available on the SIOFA website.
 - b. Revised documents will be subject to the rules relating to confidentiality of data and commercially sensitive information and financial matters, and be made available as either a public or restricted document as appropriate
 - c. Revised documents will replace previous versions on the website, and will be denoted by a suffix indicating the revision number (e.g., rev1, rev2, etc.)
8. Meeting reports signed and approved by the Chair will be made available as public documents on the SIOFA website, unless an explicit request is made by CCPs to restrict access to the document.

6. Annex B: SIOFA Scientific Report Review Form

This form must be completed for all SIOFA commissioned scientific consultant reports and be made available as a part of the Terms of Reference for each project and included in consultant contracts with SIOFA.

7. Report submission

To be completed by the primary author

Title		
Authors		
Project code		
Primary author name and email		
Date submitted		
Contributing authors	<i>The primary author confirms that all contributing authors have agreed to their names being included as authors (indicate either Yes or No)</i>	Yes/No
Abstract (10 lines max.)		
Conclusion and Recommendations (if any)		

To be completed by the Executive Secretary

Project Manager		
Reviewed by		
Date received		Date reviewed

8. Review Stage 1 – Secretariat and Project Manager review

To be completed by the Secretariat (for the document sections in italics, after consulting relevant CPPs) and the Project Manager (for the other sections), unless formally arranged otherwise between the Project Manager and the Secretariat.

Document section	Yes/No	Comment
Title: Is the title an adequate description for information retrieval		
Project code and title: The SIOFA Project Code and Project Title, and objectives or terms of reference that are considered by the report are summarised in the introduction		
Abstract/Executive Summary: Clear and adequate indication of the paper's content; states the purpose of the paper; describes the investigation on which it is based; states the methods used; summarises the results and conclusions		
Recommendations: Clear and concise recommendations are made that are suitable for potential inclusion as statements in Scientific Working Group reports		
Presentation and style: The information is presented logically and using a style that is appropriate for Scientific Working Group submission		
<i>Confidential information: The report does not show or present any confidential data, commercially sensitive information, or financial matters that have not been approved for release by SIOFA and the relevant CCPs</i>		
Structure: Methods, results, discussion, and appendices are presented in a consistent and logical manner		

Document section	Yes/ No	Comment
The abbreviations, formulas, units, and nomenclature used conform with applicable standards and rules		
The quality of the English language is satisfactory		
Calculations and treatment of SIOFA data: The calculations presented and treatment and interpretation of the SIOFA data is appropriate		
There are no apparent errors, unexplained omissions, or inconsistencies in the information presented		
Illustrations and tables: Illustrations and/or tables are all captioned, clear, and are appropriate for the analyses		
Interpretation: Conclusions are justified given the information presented in the report		
References: The references are complete and relevant to the analyses and conclusions		
<i>Acknowledgements: The document includes appropriate logos and acknowledges the role of SIOFA and any other funding agency or assistance received by the authors</i>		
<i>Requires circulating of the entire report or relevant sections to the appropriate CCPs for review (i.e., where the report shows or presents confidential data, commercially sensitive information, or financial matters that have not been approved by SIOFA and the relevant CCPs)</i>		

9. Review Stage 1 – Outcome

To be completed by the Executive Secretary following the recommendations of the WG Chair or Project Manager (tick ONE box only).

Reports cannot progress to Stage 2 of the review process and must be revised until all major issues identified in this section have been satisfactorily resolved.

Status	Requirement	Selection (✓)
Accepted	Approved by the project manager (and CCPs where relevant) for circulation to SC HoDs for comment as a draft report	
Accepted	Needs only minor discretionary changes	
Accepted	Needs minor, but essential changes	
Not accepted	Needs substantial editorial changes (including removal of confidential data)	
Not accepted	Needs substantial reanalysis and editorial changes	

10. Review Stage 2 – SC HoDs comments

To be completed by the Executive Secretary by including the comments of SC HoDs

11. Review Stage 2 – SC HoDs review publication approval

To be completed by the Executive Secretary following the comments and evaluation of SC HoDs

Status	Selection (✓)	Comments
Return to author for revision		
Approved by the WG Chair as a final report, and will be placed on the RESTRICTED section of the SIOFA website		
Approved by the WG Chair as a final report, and will be placed on the PUBLIC section of the SIOFA website		
Other (please specify):		

Executive Secretary signature:Date:

Reports may only be circulated to SC HoDs, submitted to the Scientific Working Groups, or placed (if required) in the public domain once the final report has been accepted and this form has been completed, with no outstanding issues or concerns, and has been signed by the Executive Secretary.

Annex C – Attestation on honour on the respect of confidentiality of data



CONFIDENTIALITY AGREEMENT TO ACCESS RESTRICTED PAPERS

This Confidentiality (“Agreement”) is entered into between Mr/Ms_____ (“the Observer”) and Mr Thierry Clot (“SIOFA Executive Secretary”), concerning the following document _____

- a. The Observer understands that the Confidential Information and Proprietary Data of SIOFA are not public and must ensure that reasonable steps are taken to protect the confidentiality of said information.
- b. The Observer agrees not to use any Confidential Information or Proprietary Data for their personal benefit or for the benefit of others.
- c. The Observer agrees that he or she will not disclose to any other person or entity, either directly or indirectly, the Confidential Information or Proprietary Data. Any use or disclosure of Confidential Information or Proprietary Data is cause for legal proceedings and sanctions.
- d. If this agreement is terminated for any reason, the Observer must destroy the information and data, and must not make any copies.

Drawn up in (place)_____, on (date)_____

Signature of the Observer Signature of the Executive Secretary