

March 2009

NOAA NATIONAL DATA CENTERS FREE DATA DISTRIBUTION POLICY

Data may be offered at no cost to customers for the following reasons:

1. Any NOAA office (NESDIS approval required for order cost >\$2500).
2. U. S. Congress, Executive Office of the President, Office of Secretary of Commerce.
3. Federal Emergency Management Agency and National Transportation Safety Board investigating national disasters.
4. Federal Agency (FBI, Federal Marshal, etc.) investigation of violation of laws, regulations, etc.
5. Defense of the U. S. Government, or Government prosecution of federal crimes (U.S. Attorneys, etc).
6. Assist agency education (school packets to assist teachers and students) and marketing efforts (agency attendance at conferences, meetings, etc.).
7. Valid data exchange agreements.
8. Valid World Meteorological Organization (WMO) data exchange agreements (WDC-A determines eligibility).
9. Replacement data to correct agency order error, or legitimate customer service complaint.
10. School packets and access to NNDC World Wide Web data provided to teachers and students to achieve agency education goals.
11. Online data are FREE of charge for all .gov, .edu, .k12, .us, and .mil domains.

**Additional Information:** The DOC/NNDC is authorized, under 15 U.S.C. 1534, to assess fees, based on Fair Market Value (FMV) (up to FMV as clarified by NOAA's Office of General Counsel [OGC]) for access to environmental data and information and products derived from, collected, and/or archived by NOAA. NESDIS shall provide this data, information, and products to Federal, State, and local government agencies, to universities, and to other nonprofit institutions at the cost of reproduction and transmission, if such data, information, and products are to be used for research and not for commercial purposes.  
<http://www.law.cornell.edu/uscode/15/1534.html>

**Regarding the Freedom of Information Act (FOIA)** – although FOIA guarantees the *access* to data (*not that the data will be provided at no cost*), U.S. government regulations have determined climate data are in the public domain and therefore not subject to FOIA regulations. Therefore, NCDC provides full and open access to data, and only applies cost recovery (charges, exempting #11 above) for datasets and products where cost recovery is required for data servicing.