



## **Northeast Fisheries Science Center Northeast Fisheries Observer Program**

### **Data Release Policy for Fishermen**

The Northeast Fisheries Observer Program recognizes the importance for fishermen to obtain a copy of the fisheries data that observers and at-sea monitors collect on their vessels. This document describes the various methods a fisherman may use to obtain a copy of their trip data.

#### *Confidentiality of Observer Data*

Observer information shall be considered confidential and shall not be disclosed, except in accordance with the requirements of the Magnuson-Stevens Reauthorization Act (Section 402(b)). When providing confidential information, the release **MUST** be supported by one of the exceptions under the Magnuson-Stevens Reauthorization Act (Sections 402(b)(1) and 402(b)(2)). The specific exceptions include, but are not limited to:

- (1)(A) to Federal employees and Council employees who are responsible for fishery management plan development, monitoring, or enforcement;
- (1)(B) to State or Marine Fisheries Commission employees as necessary to further the Department's mission, subject to a confidentiality agreement that prohibits public disclosure of the identity or business of any person;
- (1)(C) to State employees who are responsible for fishery management plan enforcement, if the States employing those employees have entered into a fishery enforcement agreement with the Secretary and the agreement is in effect;
- (1)(D) when required by court order;
- (1)(E) when such information is used by State, Council, or Marine Fisheries Commission employees to verify catch under a limited access program, but only to the extent that such use is consistent with subparagraph (B);
- (1)(F) when the Secretary has obtained written authorization from the person submitting such information to release such information to persons for reasons not otherwise provided for in this subsection, and such release does not violate other requirements of this Act;
- (1)(G) when such information is required to be submitted to the Secretary for any determination under a limited access program;
- (1)(H) in support of homeland and national security activities, including the Coast Guard's homeland security missions.

#### *Data Release Methods*

The Observer Program has a Trip Data Release Policy through which vessel owners and captains can request copies of the data collected by observers/monitors working on their

vessels. This policy is valid for all trips carrying an At-Sea Monitor (ASM) or Northeast Fisheries Observer Program (NEFOP) observer.

### **Data Release Form -**

For each trip, the ASM/NEFOP observer should ask the captain and owner (if present) if s/he would like a photocopy of the data logs completed during the trip. Data can only be released to the vessel's owner or captain after s/he has completed and submitted a Trip Data Release Form. The person requesting a copy of the data must: print their name, provide their signature, and an address to where the data should be sent.

The observer can help to complete this form by filling in the following fields: request date, observer trip identifier, vessel name, hull number, and date landed.

If the captain would like a copy of the data onsite (at the dock or onboard the vessel) and a photocopier can be provided for use, the observer may copy the logs and provide a copy on the spot. If the captain can wait approximately ten days, the observer mails in the Trip Data Release Form with their trip logs for data processing, and the photocopy will be made at the Observer Training Center and mailed to the fisherman. The form is perforated – the top section is maintained by NMFS for tracking purposes, and the bottom can be retained by the captain for their records of which trips have been requested. Requests are treated as a priority and are generally completed in less time than two weeks.

Please note that all copies of the data logs contain preliminary data as they have yet to be reviewed by a data editor and cleared through a series of computer audits and checks.

### **Fishermen's Comment Card -**

ASM/NEFOP observers should ask the captain if s/he would like a Fishermen's Comment Card at the completion of the trip. This card provides feedback to the observer program and allows the captain to request additional materials, including a copy of the observer logs for a particular trip (see Section II of II of the Comment Card).

### **On line Observer Reports -**

ASM/NEFOP observer data in the groundfish fishery are also available in Fish Online found at: <https://www.nero.noaa.gov/NMFSlogin/>

This website will ask you for your permit number and password. The electronic version of the ASM/NEFOP observer data is viewable from this site. It includes haul-level catch information (species, weight, fish disposition, and discard reason). For assistance with this website call the Northeast Regional Office at (978) 281-9246. This report is currently only available for groundfish trips.

### **Observer Data Discrepancies -**

If you notice any potential errors or discrepancies in the observer data, please contact our office immediately, by contacting Katherine McArdle at 508-495-2377, [katherine.mcardle@noaa.gov](mailto:katherine.mcardle@noaa.gov)

You may also complete and submit a Fishermen's Comment Log, to note any anomaly that occurred during the trip, and fax or mail to the contact information provided below. This log is available on our website at: <http://www.nefsc.noaa.gov/femad/fsb>

### **Contact Information -**

The Data Release Form can be accessed online at:

<http://www.nefsc.noaa.gov/femad/fsb/Misc/Trip%20Data%20Release%20Form.pdf>

(or type: <http://www.nefsc.noaa.gov/femad/fsb> and look under Forms, called “Data Release for Fishermen”).

The Fishermen’s Comment Card can be accessed online at:

<http://www.nefsc.noaa.gov/femad/fsb/Misc/Fishermens%20Comment%20Card.htm>

(or type: <http://www.nefsc.noaa.gov/femad/fsb> and look under Contact FSB Staff, called “Fishermen’s Comment Card”. This can also be completed and submitted online.

Trip Data Release requests may be provided directly to observers or be mailed to:

Chief, Fisheries Sampling Branch – Northeast Fisheries Observer Program  
NOAA NMFS, Northeast Fisheries Science Center  
166 Water Street  
Woods Hole, MA 02543  
or faxed to: 508-495-2124

For additional copies of the Data Release Form or to check on the status of a request, please contact: Patricia Yoos, 508-495-2338, [patricia.yoos@noaa.gov](mailto:patricia.yoos@noaa.gov)

### *Paperwork Reduction Act Statement*

*The information provided on this form will be used to ensure that the data for a specific trip is not provided to a person who does not have authority to obtain that data under the confidentiality requirements of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and the Marine Mammal Protection Act (MMPA). Meeting those confidentiality requirements are critical for collecting information that is used in analyses that support the conservation and management of living marine resources and that are required under the MSA, the Endangered Species Act (ESA), the MMPA, the National Environmental Policy Act (NEPA), the Regulatory Flexibility Act (RFA), Executive Order 12866 (EO 12866), and other applicable laws. The public reporting burden for this form is estimated to average 2 minutes per response, including the time for completing, reviewing, and transmitting the information on the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to: Amy Van Atten, National Marine Fisheries Service, Northeast Fisheries Science Center, Northeast Fisheries Observer Program, 166 Water Street, Woods Hole, MA 02543-2266. Providing the requested information is required to deliver the copy of the trip to the requested location and to release the trip data. The information on this form will be kept confidential as required under Section 402(b) of the MSA (18 U.S.C. 1881a(b)) and regulations at 50 C.F.R Part 600, Subpart E. Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number. This is an approved information collection under OMB Control No. 0648-0593 through 11/30/2015.*