

NORTHEAST FISHERIES STATISTICS OFFICE
DATA REQUEST FACT SHEET
February 2008

Northeast Region permit holders provide data about fishing vessel catches and landings by submitting mandatory fishing vessel trip reports and dealer reports. The data submitted are statutorily confidential, as set forth in section 402(b)(1) of the Magnuson-Stevens Fishery Conservation and Management. Because the information submitted in vessel and dealer reports is confidential, it can only be provided to the individual who submitted the information, unless that individual provides written authorization for the agency to release it to someone else.

In recent months, industry members have asked for clarification of the language that should be used to authorize the release of confidential data to someone other than the submitter. In many cases, individuals thought that language in a bill of sale would be sufficient to address the release of confidential data. However, in most cases, the language included in bills of sale has only been sufficient to satisfy the requirements of the Northeast Region vessel permit regulations [50 CFR 648.4(a)(1)(i)(D)], that specify that fishing and permit histories are presumed to transfer with the vessel unless there is written evidence to the contrary. Most bills of sale submitted by vessel owners use the term "fishing and permit histories" and are sufficient to preserve their rights under this regulation. However, this language is not specific enough to authorize the release of confidential landings information.

This requirement is more stringent than in previous years. Over the past year, a review of the handling of confidential data was conducted. It indicated that existing procedures needed to be modified to assure compliance with the Magnuson-Stevens Act requirements. This fact sheet has been prepared to clarify these requirements.

To request catch/landings data you must:

1. Mail a written request to: **FSO Data Requests, NOAA Fisheries, One Blackburn Drive, Gloucester, MA 01930**, or fax to 978-281-9161. It must include:

- Vessel name
- Federal fishing permit number
- USCG documentation number or State registration number
- Vessel owner name and address
- Information requested, including time period
- Signature and date

2. Specify whether you are requesting dealer reports, vessel trip reports, or both.

3. If you are requesting information for a time period when the vessel was not owned by you, you must submit a written document in which the previous owner authorizes you by name to receive confidential catch/landings records. This language may be included in a purchase and sales agreement, or a separate document signed by the previous owner. Suggested specific language would be, "This transfer conveys to the buyer the right to access all catch records relating to this vessel that were submitted to NMFS while under the ownership of the seller. This authorization is transferable to future owners of this vessel unless authorization is withdrawn by a future seller in a written document."

4. If there are several previous owners, you must obtain a signed authorization from each owner.

5. The only exception to the requirement for written authorization is a Court Order.

Cautions about the use of information received

Many of the management programs developed by the New England and Mid-Atlantic Fishery Management Councils have programs that allow participation only if a vessel has a history of landing a certain species. For example, limited access vessel permits are issued only to vessels with sufficient landings to meet the criteria developed by the Councils. NOAA Fisheries Service staff cannot provide advice about the likelihood that a vessel will or will not qualify for a future limited access program. Eligibility determinations for management programs can be made only after final regulations are implemented to establish the eligibility criteria and review process.

If you have any questions or need more information regarding data requests, please call 978-281-9133.