

# Confidentiality

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# Exceptions Allowing Disclosure

Section 402(b)(1)(G) allows the release of submitted information required for a determination under a limited access program.

- Limited Access Program: a program that allocates privileges , such as a portion of the total allowable catch (TA), an amount of fishing effort, or a specific fishing area to a person as defined by the MSA.
- Determination: a grant, denial, or revocation of privileges; approval or denial of a transfer of privileges; or other similar NMFS regulatory determination applicable to a person.

# Exceptions Allowing Disclosure

402(b)(1)(D) allows the release of information required under a court order.

402(b)(1)(A) and (C) allow the release of information to aid law enforcement activity.

402(b)(1)(F) allows release of information in response to written authorization.

- We will develop and make available a form for authorizing the release of confidential data.

In the context of observer information, the written authorization exception is handled differently.

# Releasing Data in Aggregate

Business of any person: financial and operation information.

Financial information includes information in cash flow documents, income statements, or that contributes to preparation of a balance sheet.

Operational information includes fishing locations, time of fishing, type and quantity of gear used, catch by species in numbers or weight, number of hauls, number of employees, and estimated and utilized processing capacity.

# Limited Disclosure

1. For observer training or to validate observer data accuracy.
2. In support of homeland and national security activities.
3. To state employees responsible for fisheries management.
4. To state employees responsible for FMP enforcement.
5. To marine fisheries commission employees.
6. To Council members for conservation and management.
  - Removes language implying this allows public disclosure of the information.
7. To the SSC.
  - Allows release to SSC members who are neither Federal nor State employees.
8. For certifying observers.