



MINISTRY OF FISHERIES
Te Tautiaki i nga tini a Tangaroa

Guidelines for the Release of Information from Fisheries Databases

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About this Document

Purpose

The purpose of these guidelines is to provide staff of:

- ♦ the Ministry of Fisheries (the Ministry); and
- ♦ any agency contracted to perform functions under section 294 of the Fisheries Act 1996 (the Act)(currently FishServe); and
- ♦ any approved service delivery organisation (ASDO) to whom any specified functions, duties, or powers have been transferred under section 296B of the Act (currently the Seafood Industry Council (SeaFIC));

with the agreed procedures for the release of the following categories of information:

- ♦ quota;
- ♦ licensed fish receivers;
- ♦ permits;
- ♦ fishing vessels;
- ♦ annual catch entitlement;
- ♦ high seas permits;
- ♦ aquaculture;
- ♦ catch, effort, and landing returns, and observer information;
- ♦ research information;
- ♦ customary fishing information;
- ♦ collation or research of information.

These Guidelines do not cover all of the Ministry's databases. If you are addressing a request for information from a database that is not included in this document, you should seek assistance from the business group that looks after that database.

These Guidelines cover the release of electronic copies of data sets and reports.

Aim

All the categories of information are held within a database but only some of it is publicly available. The aim of the guideline is to produce a consistent approach across the Ministry, its agents, and ASDOs when considering the release of fisheries information contained in databases.

Information requests

By way of background, all requests for information must be handled under Part II of the Official Information Act 1982 (the OIA) **unless**:

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About this Document, Continued

Information requests (continued)

- ♦ the information is contained on a public register, in which case the requester should be given details of how to obtain the information from the register, ie hours of inspection, fees etc. The public registers include the Permit Register, the Fishing Vessel Register, the Annual Catch Entitlement Register, the Quota Register, and the High Seas Permit Register; or
- ♦ the request is for information about a natural person and the request is made by that person, in which case the request falls under the Privacy Act 1993. Where a person requests personal information relating to themselves that is held by the Ministry, the Privacy Act provides that that information must be disclosed to that person; or
- ♦ the request is made by a body corporate in New Zealand for personal information, in which case the request must be considered under Part IV of the OIA(except insofar as that information is part of a public register).

In accordance with the OIA, the Ministry has an obligation to make information it holds available unless there are good grounds to withhold it. The grounds for withholding information are found in the OIA and are outlined in **Appendix B**.

There will be cases where there are grounds for withholding information yet it is considered to be “in the public interest” to release it. What is considered to be ‘in the public interest’ will vary from case to case and is related to the role of the Ministry. The Ministry’s role is both as an enforcer and a regulator. In some cases the ‘public interest’ in releasing information will be to ensure that the Ministry is carrying out these roles in a reasonable manner

Staff should also ensure that they are aware of the procedure for dealing with a request for information. A brief summary of the procedure to be followed in the event of a request made to the Ministry for information is outlined in **Appendix A**. It is important that staff know how this procedure applies to their team.

For further information please refer to the Guidelines to Ministry Obligations under the Official Information Act and the Privacy Act on Rockpool. If in doubt, please contact Legal Services.

Quota Information

Introduction

This section covers quota holder information that is derived from allocations and transactions made in relation to quota. This information is contained on the Quota Registers held under the Fisheries Act 1983 and 1996 and the FIS (the Ministry's own database) and FMS (FishServe's database) databases.

Quota Register (1983 Act)

Section 28P of the Fisheries Act 1983 required the chief executive to maintain in respect of each quota management area for each species or class of fish a quota register. The register had to be kept at such office of the Ministry as the chief executive determined; and copies were kept at such offices of the Ministry as the chief executive considered were ordinarily used by persons who fish that quota management area.

Each register was a public document open for inspection on payment of the prescribed fee (if any) during ordinary office hours; and the chief executive supplied to any person copies of all or part of the register on request and payment of a reasonable charge for the production of the copy.

Section 28P specified what must be contained on the Quota Register.

Section 28P was repealed on 30 September 2001 and replaced with the Fisheries Act 1996 Quota Register. However, the information collected in terms of section 28P is still available to be searched.

Quota Register (1996 Act)

Section 124 of the Fisheries Act 1996 requires the chief executive to keep a Quota Register. The responsibility for the maintenance of this register has been transferred to SeaFIC who have contracted the delivery of services to Commercial Fisheries Services Limited (FishServe).

Section 127 of the Act, and the Fisheries (Registers) Regulations 2001 specify what must be contained in the Quota Register.

The Act provides in section 129 that the Quota Register is a public register for the purposes of the Privacy Act and is open for inspection on payment of the prescribed fee (if any) during ordinary office hours. The Registrar must also provide to any person copies of all or part of the register on payment of a reasonable charge. It must be noted that despite section 129, the Registrar may close the Quota Register for a period not exceeding 48 hours provided the requirements in section 130 are met.

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Quota Information, Continued

Quota Register (1996 Act) (continued)

Section 129 also provides that if the Registrar is satisfied, on the application of any person, that the disclosure of that person's address on the Quota Register would be prejudicial to the personal safety of that person or that person's family, the Registrar may direct that such information shall not be available for inspection or disclosure.

Quota Management Reports (QMRs)

Under section 6 of the Fisheries (Reporting) Regulations 1990 quota holders had to file monthly returns recording the catch landed against their quota registration number (QRN). These returns were then used to balance their catch against their quota holding. QMRs were replaced by MHRs on 1 October 2001. Information from these returns is recorded in the database.

Southern Scallop Fishery Registry

Between 1 October 1992 and 30 September 1995 section 28ZR of the Fisheries Act 1983 required the Director-General to maintain a Southern Scallop Fishery Register. The register was a public document open for inspection on payment of the prescribed fee (if any) during ordinary office hours; and the Director-General supplied to any person copies of all or part of the register on request and payment of a reasonable charge for the production of the copy.

Section 28ZR also specified what must be kept on the register.

Available information

All the information contained on the Quota Register is publicly available. The release of any other information must be assessed individually to determine whether any of the information requested should be withheld under the OIA. Refer to Appendix B for grounds to withhold.

In general, subject to the obligation in the OIA to release information where it is in the public interest to do so and the need to consider each case on its merits, or where the information is already publicly available, the following information on the database will often be able to be lawfully withheld:

- ♦ Personal phone numbers of quota holders who are natural persons in order to protect the privacy of the individuals concerned (s 9(2)(a) OIA);
 - ♦ Quota holders physical address;
 - ♦ Quota transaction price.
-

Continued on next page

Quota Information, Continued

Available information (continued)

Information such as the following may be released because it is held on the Fisheries Act 1996 Quota Register and is publicly available:

- ♦ Quota holder name and postal address
- ♦ ITQ and PITQ held
- ♦ Quota transfers
- ♦ TAC and TACC

In the case of QMR information, it can only be released if in a summarised form which does not identify the quota holder.

For a full list of quota and QMR information refer to Appendix D.

Procedure

Refer to Appendix A for a brief summary of request procedures.

Contacts for assistance

Any external requests/queries should be directed to FishServe (09) 430 1955. For internal requests/queries contact the Client Services Team; reports@fish.govt.nz.

Charges

FishServe charge for extracts from the Quota Register in accordance with the OIA guidelines. For further charging information refer to Appendix C.

LFR Information

Introduction

This section covers Licensed Fish Receiver (LFR) information that is derived from LFR registrations and the subsequent LFR returns completed and provided to the chief executive firstly under section 10 of the Fisheries (Reporting) Regulations 1990 (repealed 30/9/01) and secondly under regulation 16 of the Fisheries (Reporting) Regulations 2001. The responsibility for the maintenance of LFR registration and returns has been transferred to SeaFIC who have contracted the delivery of services to Commercial Fisheries Services Limited (FishServe).

Available information

Usually, information such as the following may be released:

- ♦ Information that does not identify either the fisher or the LFR, i.e. the total greenweight by species reported by all LFRs, grouped into classes;
- ♦ LFR name and premises address.

In general, there will often be good reason to withhold information such as:

- ♦ Details of the returns made by individual LFRs.

It is necessary to consider whether this information may be withheld under section 9(2)(ba)(i) of the OIA in order to protect information required under the authority of an enactment because making the information available would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied;

- ♦ Personal phone numbers of LFRs who are natural persons in order to protect the privacy of the individual concerned under section 9(2)(a) of the OIA; and

An assessment must be made on a case-by-case basis as to whether LFR information can be withheld (refer to Appendix B for all grounds to withhold).

For a full list of LFR information held refer to Appendix D.

Inventory returns

Requests for information regarding inventory returns filed by LFRs should be referred to the Compliance National Forensic Accountant.

Procedure

Refer to Appendix A for a brief summary of request procedures.

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LFR Information, Continued

Contacts for assistance

Any external requests/queries should be directed to FishServe (09) 430 1955. For internal requests/queries contact the Client Services Team; reports@fish.govt.nz.

Charges

FishServe will charge for extracts in accordance with the OIA guidelines. For further charging information refer to Appendix C.

High Seas Permit Information

Introduction This section covers high seas information that is derived from high seas permits issued. This information is contained on the High Seas Permit Register and the database.

High seas permit register Section 98 of the Act requires the chief executive to keep a High Seas Permit Register. The keeping of this register has been transferred to SeaFIC who have contracted the delivery of services to Commercial Fisheries Services Limited (FishServe). Regulation 8 of the Fisheries (Registers) Regulations 2001 prescribes what details must be kept on the High Seas Permit Register.

The Act provides in section 102 that the High Seas Permit Register is a public register for the purposes of the Privacy Act and is open for inspection on payment of the prescribed fee (if any) during ordinary office hours. The Registrar must also provide to any person, upon request, copies of all or part of the Register on payment of a reasonable charge.

It must be noted that section 102 also provides that if the Registrar is satisfied, on the application of any person, that the disclosure of that person's address on the High Seas Permit Register would be prejudicial to the personal safety of that person, or that person's family, the Registrar may direct that such information should not be made available for inspection or disclosure.

Available information All the information contained on the High Seas Permit Register is publicly available. The release of any other information must be assessed individually to determine whether any of the information requested should be withheld under the OIA. Refer to Appendix B for grounds to withhold.

In general, subject to the obligation in the OIA to release information where it is in the public interest to do so and the need to consider each case on its merits, or where the information is already publicly available, the following information on the database will often be able to be lawfully withheld:

- ♦ Personal phone numbers of permit holders who are natural persons in order to protect the privacy of the individuals concerned (s 9(2)(a) OIA);
- ♦ Vessel proposed activity as it would be likely to unreasonably prejudice the commercial position of the person who supplied the information (s9(2)(b)(ii) OIA).

Information such as the following may be released because it is held on the High Seas Permit Register and is publicly available:

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High Seas Permit Information, Continued

Available information (continued)

- ♦ Permit holder name and postal address;
- ♦ Vessel registration number and name;
- ♦ Vessel call sign;
- ♦ Permit valid dates.

For a full list of High Seas Permit information held refer to Appendix D.

Procedure

Refer to Appendix A for a brief summary of request procedures.

Contacts for assistance

Any external requests/queries should be directed to FishServe (09) 430 1955. For internal requests/queries contact the Client Services Team; reports@fish.govt.nz.

Charges

FishServe will charge for extracts from the High Seas Permit Register in accordance with the OIA guidelines. For further charging information refer to Appendix C.

Annual Catch Entitlement Information

Introduction

This section covers Annual Catch Entitlement (ACE) holder information that is derived from allocations and transactions made in relation to ACE. This information is held on the ACE register and the database.

Annual catch entitlement register

Section 124 of the Act requires the chief executive to maintain an Annual Catch Entitlement Register, and that there be a separate ACE Register for each year. The keeping of this Register has been devolved to SeaFIC who have contracted the delivery of the service to Commercial Fisheries Services Limited (FishServe).

Section 129 of the Act provides that the ACE Register is a public register for the purposes of the Privacy Act and is open for inspection on payment of the prescribed fee (if any) during ordinary office hours. The Registrar must also provide to any person on request, copies of all or part of the register on payment of a reasonable charge.

Section 128 and the Fisheries (Registers) Regulations 2001 specify what must be contained in the ACE Register.

Section 129 also provides that if the Registrar is satisfied, on the application of any person, that the disclosure of that person's address on the ACE Register would be prejudicial to the personal safety of that person or that person's family, the Registrar may direct that such information shall not be available for inspection or disclosure.

Monthly Harvest Returns

Under regulation 7 of the Fisheries (Reporting) Regulations 2001 permit holders must complete and provide to the chief executive Monthly Harvest Returns (MHRs) in order to balance their catch against their ACE holding. All MHR information is held on the database with only some held on the ACE register.

Available information

All the information contained on the ACE Register is publicly available. The release of any other information must be assessed individually to determine whether any of the information requested should be withheld under the OIA. Refer to Appendix B for grounds to withhold.

In general, subject to the obligation in the OIA to release information where it is in the public interest to do so and the need to consider each case on its merits, or where the information is already publicly available, the following information on the database will often be able to be lawfully withheld:

- ♦ Personal phone numbers of ACE holders who are natural persons in order to protect the privacy of the individuals concerned (s 9(2)(a) OIA);
-

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Annual Catch Entitlement Information, Continued

Available information (continued)

- ♦ Physical address of ACE holder;
- ♦ ACE transaction price;
- ♦ Details of individual MHRs.

Information such as the following may be released because it is held on the ACE Register and is publicly available:

- ♦ ACE holder name and postal address;
- ♦ ACE held;
- ♦ ACE transfers;
- ♦ Limited MHR catch data i.e. total catch per fishing year quarter.

For a full list of ACE and MHR information held refer to Appendix D.

Procedure

Refer to Appendix A for a brief summary of request procedures.

Contacts for assistance

Charges

Any external requests/queries should be directed to FishServe (09) 430 1955. For internal requests/queries contact the Client Services Team; reports@fish.govt.nz.

FishServe will charge for extracts from the Annual Catch Entitlement Register in accordance with the OIA guidelines. For further charging information refer to Appendix C.

Permit Information

Introduction	<p>This section covers fishing permit information that is derived from fishing permits issued. The information is held on the Permit Register and the database.</p>
Permit Register	<p>Section 98 of the Act requires the chief executive to keep a Permit Register. The keeping of this Register has been devolved to SeaFIC who have contracted the delivery of the service to Commercial Fisheries Services Limited (FishServe).</p> <p>The Fisheries (Registers) Regulations 2001 specify what must be contained in the Permit Register.</p> <p>The Act provides in section 102 that the Permit Register is a public register for the purposes of the Privacy Act and is open for inspection on payment of the prescribed fee (if any) during ordinary office hours. The Registrar must also provide to any person, upon request, copies of all or part of the Register on payment of a reasonable charge.</p> <p>It must be noted that section 102 also provides that if the Registrar is satisfied, on the application of any person, that the disclosure of that person's address on the Permit Register would be prejudicial to the personal safety of that person, or that person's family, the Registrar may direct that such information should not be made available for inspection or disclosure.</p> <p>Prior to section 98 coming into effect on 1 October 2001 the Ministry took the approach of releasing certain permit information in anticipation of the establishment of the section 98 Permit Register. All permit holders were informed, on the permit application form, that current fishing year information might be made publicly available.</p>
Available information	<p>All the information contained on the Permit Register is publicly available. The release of any other information must be assessed individually to determine whether any of the information requested should be withheld under the OIA. Refer to Appendix B for grounds to withhold.</p> <p>In general, subject to the obligation in the OIA to release information where it is in the public interest to do so and the need to consider each case on its merits, or where the information is already publicly available, the following information on the database will often be able to be lawfully withheld:</p> <ul style="list-style-type: none">♦ Personal phone numbers and physical address of permit holders who are natural persons in order to protect the privacy of the individuals concerned (s 9(2)(a) OIA).

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Permit Information, Continued

Available information (continued)

Information such as the following may be released because it is held on the Permit Register and is publicly available:

- ♦ Permit holder postal address;
- ♦ Permit valid dates;
- ♦ Schedule 4C stocks that may be taken;
- ♦ Permits with prohibitions attached.

For pre 1 October 2001 permit data, rules were establish to deal with such requests:

- 1 We should release data to the permit holder who originally provided the data;
- 2 We should release data to a 3rd party if we have clear and unambiguous instructions from the permit holder who originally provided the data. If in doubt contact the permit holder.
- 3 To 3rd parties who do not have explicit approval from the permit holder we should release the names of permit holders but not any other details. The list of permit holders may be a subset of all permit holders i.e. permit holders who were permitted to target certain non quota stocks.

For a full list of permit information held refer to Appendix D.

Procedure

Refer to Appendix A for a brief summary of request procedures.

Contacts for assistance

Any external requests/queries should be directed to FishServe (09) 430 1955. For internal requests/queries contact the Client Services Team; reports@fish.govt.nz.

Charges

FishServe will charge for extracts from the Permit Register in accordance with the OIA guidelines. For further charging information refer to Appendix C.

Fishing Vessel Information

Introduction

This section covers fishing vessel information that is derived from vessel registrations. This information is now held on the Fishing Vessel Register under the Fisheries Act 1996 and the database. Previously this information was held on a vessel register under the Fisheries (Commercial Fishing) Regulations 1986.

Fishing Vessel Register (1996 Act)

Under section 98 of the Act, the chief executive is required to maintain a Fishing Vessel Register. This function has been devolved to SeaFIC who have contracted the delivery of the service to Commercial Fisheries Services Limited (FishServe). Regulation 7 of the Fisheries (Registers) Regulations 2001 sets out what matters are required to be on the Fishing Vessel Register.

The Act provides in section 102 that the Fishing Vessel Register is a public register for the purposes of the Privacy Act and is open for inspection on payment of the prescribed fee during ordinary office hours. The Registrar must also provide to any person copies of all or part of the register on payment of a reasonable charge.

It must be noted that section 102 also provides that if the Registrar is satisfied, on the application of any person, that the disclosure of that person's address from the Register would be prejudicial to the personal safety of that person, or their family, the Registrar may refuse to make that information available for inspection or disclosure.

Fishing Vessel Register (1986 regulations)

Under section 4 of the Fisheries (Commercial Fishing) Regulations 1986 the Registrar at each place of registry was required to maintain a register of fishing vessels in a form specified by the Director-General. These regulations were repealed on 30 September 2001. The information is still, however, on the database.

The Ministry also took the approach of releasing certain vessel information in anticipation of the establishment of the Fishing Vessel Register under the Fisheries Act 1996. All applicants for vessel registration were informed, on the application form, that the information may be made publicly available.

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Fishing Vessel Information, Continued

NZ Western Central Pacific Fisheries Convention Vessel Register

Under regulation 6 of the Fisheries (Western and Central Pacific Ocean Highly Migratory Fish Stocks) Regulations 2003 the chief executive must keep a register called the New Zealand Western Central Pacific Fisheries Convention Vessel Register. This register is held by the Ministry International Group. Contact them for information from this Register.

The register is not public but particulars that have already been provided to the Ministry under the Fisheries Act 1996 may already be on the Fishing Vessel Register – that information will, therefore, be public.

Regulation 6 also specifies what must be contained on the register.

Available information

All the information contained on the Fishing Vessel Register is publicly available. The release of any other information must be assessed individually to determine whether any of the information requested should be withheld under the OIA. Refer to Appendix B for grounds to withhold.

In general, subject to the obligation in the OIA to release information where it is in the public interest to do so and the need to consider each case on its merits, or where the information is already publicly available, the following information on the database will often be able to be lawfully withheld:

- ♦ Personal phone numbers of vessel owner, operator or agent who are natural persons in order to protect the privacy of the individuals concerned (s 9(2)(a) OIA);
- ♦ Crew names and contact details;
- ♦ Vessel specifications e.g. length, colour, configuration;
- ♦ Processing and storage capacity.

Information such as the following may be released because it is held on the Fishing Vessel Register and is publicly available:

- ♦ Vessel owner, operator and notified user postal address;
- ♦ Vessel name and registration number;
- ♦ Vessel registration dates;
- ♦ Vessel status e.g. an NZ vessel, a foreign owned NZ vessel, a foreign licensed vessel.

For pre 1 October 2001 vessel information that was collected under the Fisheries (Commercial Fishing) Regulations 1986 was kept in Haku (the database that held all pre 1 October 2001 data) and all the data was considered part of the register. However it seems only information for the current year of vessel registration was released and data for previous years withheld.

For a full list of vessel information held refer to Appendix D.

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Fishing Vessel Information, Continued

Procedure	Refer to Appendix A for a brief summary of request procedures.
Contacts for assistance	Any external requests/queries should be directed to FishServe (09) 430 1955. For internal requests/queries contact the Client Services Team; reports@fish.govt.nz .
Charges	FishServe will charge for extracts from the Fishing Vessel Register in accordance with the OIA guidelines. For further charging information refer to Appendix C.

Aquaculture Information

Introduction

This section covers aquaculture information that is or was derived from the Marine Farm Act 1971, Freshwater Fish Farming Regulations 1983, Part IVA of the Fisheries Act 1983, Marine Farm Permits, and Part 9A of the Fisheries Act 1996 which establishes a fish farm register and register of aquaculture agreements.

Marine Farm Act 1971

Under section 15 of the Marine Farm Act 1971 the Director-General had to keep a register of leases and a register of licences, in which there had to be entered particulars of leases and licences in force (from 1/1/72). The Director-General also had to keep a register of lessees and licensees. The registers had to be kept open for inspection, during the ordinary hours of business, and a certified copy of any instrument registered in the register of leases and licences had to be, on payment of such fee as is prescribed by regulations under this Act, given to any person requiring it.

The Marine Farming Act 1971 was repealed on 1 January 2005 and all leases and licences appearing as currently registered under that Act on that day were deemed to be transferred to the Fish Farmer Register.

Freshwater fish farms

The Freshwater Fish Farming Regulations 1983 licensed all land based fish farming operations. A database was set up to record fish farm licence details. These regulations will eventually be revoked by Order in Council and all licences transferred to the Fish Farmer Register.

Marine Farming Permits Register and transition to Fish Farmer Register

Under section 67J (12) of the Fisheries Act 1983 the chief executive must keep a register of all marine farming permits. The register must be a public document and must, during the ordinary hours of business, be open to inspection by the public at approved offices. A copy of all or part of the register must, on payment of the prescribed fee be given to any person requesting it.

Section 67J (9) specifies information held on a marine farming permit.

Part IVA of the Fisheries Act 1983 was repealed on 1 January 2005 and all permits appearing as currently registered under that Act on that day were deemed to be transferred to the Fish Farmer Register.

As at 14 December 2005 there is a backlog of marine farm permit applications. Any permit approved as part of this backlog process must be registered as if the old Act had not been revoked. It will then be deemed to be transferred to the Fish Farmer Register.

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Aquaculture Information, Continued

Fish Farmer Register

Under section 186K of the Fisheries Act 1996 the chief executive must keep a fish farmer register.

Under section 186M the fish farmer register is a public register for the purposes of the Privacy Act 1993. The register is open for inspection on payment of the prescribed fee (if any) during the hours stated by notice in the Gazette under section 186K(5). The chief executive must, on request and payment of a reasonable charge fixed by the chief executive, supply to any person copies of all or any part of the register.

It must be noted that section 186M(5) also provides that if the chief executive is satisfied, on the application of any person, that the disclosure of that person's address from the Register would be prejudicial to the personal safety of that person, or their family, the chief executive may direct that the information must not be made available for inspection or disclosure.

Section 186V states information that must be entered in the fish farmer register. The register must also contain information required by regulations made under section 297. As at June 2005 these regulations have not been set.

Register of Aquaculture Agreements

Under section 186ZE of the Fisheries Act 1996 the chief executive must keep a register of aquaculture agreements.

Under section 186M the register of aquaculture agreements is a public register for the purposes of the Privacy Act 1993. The register is open for inspection on payment of the prescribed fee (if any) during the hours stated by notice in the Gazette under section 186K(5). The chief executive must, on request and payment of a reasonable charge fixed by the chief executive, supply to any person copies of all or any part of the register.

It must be noted that section 186M(5) also provides that if the chief executive is satisfied, on the application of any person, that the disclosure of that person's address from the Register would be prejudicial to the personal safety of that person, or their family, the chief executive may direct that the information must not be made available for inspection or disclosure.

The register must contain information required by regulations made under section 297. As at February 2005 these regulations have not been set.

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Aquaculture Information, Continued

Available information

All the information contained on the various registers is publicly available. The release of any other information must be assessed individually to determine whether any of the information requested should be withheld under the OIA. Refer to Appendix B for grounds to withhold.

NB the Freshwater Fish Farming Licences are not held on a public register and, therefore, are not publicly available.

Information such as the following may be released because it is held on a register and is publicly available:

- ♦ Marine Farming Permit Register
 - Client legal name,
 - The area the permit may be exercised, and
 - The fish, aquatic life, or seaweed that may be farmed.
- ♦ Marine Farm Act 1971 Register
 - Client name and address for service,
 - Farm size and location, and
 - Species codes, names and effective dates.
- ♦ Fish Farmer Register
 - Client name,
 - Location and boundaries of farm, and
 - Species that may be farmed.

Under the Freshwater Fish Farm Regulations information about freshwater fish farm licences and leases in the name of companies were released but information about individuals would only be released with their permission.

For a full list of Aquaculture information refer to Appendix D.

Procedure

Refer to Appendix A for a brief summary of request procedures.

Contacts for assistance

Any external requests/queries should be directed to FishServe (09) 430 1955. For internal requests/queries contact the Client Services Team; reports@fish.govt.nz.

Charges

Section 67J(12) of the Fisheries Act 1983 allows for consent authorities and the Ministry for the Environment to be entitled to copies of all or part of the Marine Farming Permits Register free of charge. For all other charges information refer to Appendix C.

Catch, Effort and Landing Information

Introduction

This section covers catch and effort information that is derived from catch, effort, and landing returns required by Section 5 of the Fisheries (Reporting) Regulations 2001. Raw data forms are held by FishServe on behalf of the Ministry and electronic data are stored on Warehou, the Ministry's Catch Effort database.

Information available to the public

Each case must be assessed individually to determine whether any of the information requested should be withheld under the OIA. If withheld, in most cases, the information contained in these returns will be withheld under section 9(2)(b)(ii) of the OIA, on the basis that it is considered to be commercially sensitive, and disclosure of the information may be likely to unreasonably prejudice the commercial position of the permit holder who supplied it.

Information can also be withheld under section 9(2)(ba)(i) of the OIA, on the basis that its provision has been required under the authority of an enactment and that disclosure may be likely to prejudice the supply of similar information, and it is not in the public interest (being the maintenance of New Zealand's quota management system) to disclose it.

However, access to some catch, effort, and landing information may be released to an external person or organisation if it is summarized and:

- ♦ location data is truncated to 1 degree of accuracy (or statistical area);
- ♦ date and time data are truncated to month and year;
- ♦ no individual vessel, person, organisation identifying information, or attribute is released (including vessel_key or perorg_key); and
- ♦ no month and 1 degree (or statistical area) strata has less than 3 vessels or persons, or organisations present.

Where requests for catch, effort, and landing information are possibly of a sensitive or highly sensitive nature, the Research Data Manager must assess the case (Refer to Appendix E for circumstances where more sensitive information may be released). Information should not be released to an external person or organisation without approval from the Research Data Manager or the Chief Scientist where information includes any of the following:

- ♦ Latitudes and longitudes to greater than 1 degree accuracy
- ♦ Information which could be used to identify a vessel
- ♦ Information which could be used to identify a person or company
- ♦ Or dates to a greater accuracy than 1 month

Continued on next page

Catch, Effort and Landing Information, Continued

Procedure	Refer to Appendix A for a brief summary of request procedures. Refer to Appendix E for procedures of the release of sensitive or highly sensitive information to researchers.
Contacts for assistance	Any external requests/queries should be directed to the Research Data Manager; RDM@fish.govt.nz For internal requests/queries contact the Client Services Reports Team; reports@fish.govt.nz
Charges	As specified in the research contract or in accordance with OIA guidelines (refer to Appendix C).

Scientific Observer Information

Introduction

This section covers information collected by the Ministry's observer programme, which was established under section 223 of the Fisheries Act 1996. The programme was established for the purpose of collecting reliable and accurate information for fisheries research, fisheries management, and fisheries enforcement. This information is held by the Ministry on several databases.

Information available to the public

Observer data is considered by the Ministry to be commercially sensitive and important in the detection of offences under the Act. The release of sensitive observer data may also reduce the degree of co-operation provided to observers and thus reduce the ability of the Ministry to collect scientific observer data. Each case must be assessed individually to determine whether any of the information requested should be withheld under the OIA.

Observer information will often need to be withheld under the following provisions of the OIA:

- ♦ section 9(2)(b)(ii) where the the release of the information would unreasonably prejudice the commercial position of the person who supplied, or is subject of the information; or
- ♦ section 9(2)(k) where the release of the information could be used for improper gain or improper advantage; or
- ♦ section 6(c) - where the release of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.

Access to some observer information may be released to an external person or organisation if it is summarized and:

- ♦ location data is truncated to 1 degree of accuracy (or statistical area);
- ♦ date and time data are truncated to month and year;
- ♦ no individual vessel, person, organisation identifying information, or attribute is released (including vessel_key or perorg_key); and
- ♦ no month and 1 degree (or statistical area) strata has less than 3 vessels or persons, or organisations present.

Where requests for scientific observer information are possibly of a sensitive or highly sensitive nature, the Research Data Manager must assess the case (Refer to Appendix E for circumstances where more sensitive information may be released). Information should not be released to an external person or organisation without approval from the Research Data Manager or the Chief Scientist where information includes any of the following:

- ♦ Latitudes and longitudes to greater than 1 degree accuracy
- ♦ Information which could be used to identify a vessel
- ♦ Information which could be used to identify a person or company
- ♦ Or dates to a greater accuracy than 1 month.

Continued on next page

Scientific Observer Information, Continued

Procedure	Refer to Appendix A for a brief summary of request procedures. Refer to Appendix E for procedures of the release of highly sensitive information to researchers.
Contacts for assistance	Any external or internal requests/queries should be directed to the Research Data Manager; RDM@fish.govt.nz
Charges	<p>As specified in the research contract or in accordance with OIA guidelines (refer to Appendix C).</p> <p>NIWA is the custodian of a large amount of observer information. If the request relates to information held by NIWA, then NIWA may charge the requestor for that information.</p>

Research Information

Introduction

This section covers research information that has been collected during research projects that were conducted under contract to the Ministry. This information is externally managed by NIWA, who are under contract to the Ministry.

Information available to the public

Each case must be assessed individually to determine whether any of the information requested should be withheld under the OIA. In general, most research information is available for full release to any person or organisation. The primary exceptions include; research data derived from catch, effort and landing or scientific observer information. This data is subject to the same release conditions as previously described for catch, effort, and landing information and scientific observer information.

Where requests for research information are possibly of a sensitive or highly sensitive nature, the Research Data Manager must assess the case (Refer to Appendix E for circumstances where more sensitive information may be released). Information should not be released to an external person or organisation without approval from the Research Data Manager or the Chief Scientist where information includes any of the following:

- ♦ Latitudes and longitudes to greater than 1 degree accuracy
 - ♦ Information which could be used to identify a vessel
 - ♦ Information which could be used to identify a person or company
 - ♦ Or dates to a greater accuracy than 1 month
-

Procedure

Refer to Appendix A for a brief summary of request procedures. Refer to Appendix E for procedures of the release of sensitive or highly sensitive information to researchers.

Contacts for assistance

Any external or internal requests/queries should be directed to the Research Data Manager; RDM@fish.govt.nz

Charges

The appropriate charge will need to be discussed with the relevant external agency. Charges (if any) must be for the provision of information in accordance with OIA guidelines (refer to Appendix C).

Customary Fishing Data

Customary Fishing Data

Regulation 15 of both the Fisheries (Kaimoana Customary Fishing) Regulations 1998 (the Kaimoana Regulations) and the Fisheries (South Island Customary Fishing) Regulations 1999 (South Island Regulations) (together referred to as the Customary Regulations) require Tangata Kaitiaki/Tiaki, or other agreed persons, to provide a summary of information relating to records of authorisations granted, and records of fisheries resources taken to the Ministry.

The information is obtained for the sole purpose of setting or varying sustainability measures or developing management controls, and is held by the Ministry.

In addition, regulation 39 of the Kaimoana Regulations and regulation 36 of the South Island Regulations, require Tangata Kaitiaki/Tiaki to provide copies of every record kept under regulations 35 and 36 of the Kaimoana regulations and regulations 32 and 33 of the South Island Regulations respectively during the proceeding months.

Information not Available

Each request for information provided under the Customary Regulations must be considered on a case-by-case basis.

Sometimes, subject to the obligation to release in the public interest, the information provided under regulation 15 or regulations 39/36 may be withheld to protect information which a person has been compelled to provide under either of the Customary Regulations, where disclosure of the information will prejudice the supply of further information and where it is in the public interest that such information continues to be supplied. (refer to s 9(2)(ba)(i) of the OIA).

Requests for the disclosure of customary fishing data should be discussed with the relevant Tangata Tiaki/Kaitiaki and/or reporting officer before a decision is made to disclose any information.

Procedure

All requests for customary food gathering information must be referred to the Customary Relationship Manager or the Programme Manager (Deed of Settlement Implementation Programme).

Contact

If you have any queries, contact the Customary Relationship Manager or the Programme Manager (Deed of Settlement Implementation Programme).

Charges

Charges (if any) must be for the provision of information in accordance with OIA guidelines (refer to Appendix C). However, there is no charge for Tāngata Whenua or Tangata Tiaki/Kaitiaki seeking information they have supplied.

Data Matching - Combinations of Data

Introduction This section covers requests where information is taken from a number of data files. Such a request requires the Ministry to cross-reference or combine data.

Information available to the public Each case must be assessed individually to determine whether any of the information requested should be withheld under the OIA.

However, consideration must still be given as to whether any of the grounds for withholding information in the OIA apply to the combined data request. (See Appendix B). In general, if individually, both sets of data can be disclosed in accordance with these guidelines, it can also be disclosed when combined. However, if combining data sets means that the receiver will be party to information they would not otherwise have received then consideration should be given to withholding some of this information, especially when taking into consideration previously released information.

Care should be taken where the data matched includes the following personal information;

- ♦ the contact details of all permit holders who have caught a particular species in the last fishing year for a particular area; and
- ♦ all permit holders who have registered fishing vessels capable of using particular methods.

In these cases, legal advice should be sought to advise whether the proposed activity complies with the Privacy Act 1993.

Procedure Refer to Appendix A for a brief summary of request procedures. Only authorised staff may disclose combined information (refer to Appendix A).

Contacts Both relevant parties releasing data must be contacted. See appropriate previous sections for contact details.

Charges Charges (if any) must be for the provision of information in accordance with OIA guidelines (refer to Appendix C).

Appendix A

Procedure for Responding to Requests for Information

What information has actually been requested?

Where the request for information is unclear, the requester should be contacted and assistance given to make the request more specific.

Is the information held by the Ministry?

If the information is not held by the Ministry and there are grounds for believing the information is held by another Department, Minister, or organisation, or is connected more closely with the functions of another Department, Minister, or organisation, the request must be transferred promptly, and in all cases within 10 working days, to the other Department, Minister, or organisation, and the requestor informed of that transfer, refer s 18(g) of the OIA.

Note if you are unsure if certain registry information is held by the Ministry, Appendix D provides a basic guide to available information.

Timeframes

A decision on whether the request is to be granted, in what manner and for what charge (if any) must be made as soon as reasonably practicable. In any case the decision should be made no later than 20 working days after receipt of the request (section 15 of the OIA).

Where a request cannot be met within the 20 working day time limit, the limit may be extended provide the requirements of the OIA are met (section 15A of the OIA).

Can the information be supplied in the form requested?

If not, consider alternative ways of making the requested information available. Some alternative methods are set out in section 16 of the OIA.

Consider whether a charge is reasonable in the circumstances. Where practicable, inform the requester of the charge before acting on the request.

Withholding

If any information is withheld, inform the requester of the reason for withholding the information and of their right to seek an investigation and review of the refusal by way of complaint to the Ombudsman in accordance with section 19 of the OIA.

Ensure an “authorised” person signs out the request.

Continued on next page

Appendix A

Authorised staff

A decision on a request for information (ie whether the request should be transferred, declined or met) can only be made by an authorised person.

The following Ministry staff are authorised persons for the purposes of making decisions on requests for information:

Position	Catch Effort, Research & Observer Data	QMS Data*	Customary Fishing Data
Chief Executive	✓	✓	✓
Deputy Chief Executive	✓	✓	✓
General Manager – Corporate Services	✓	✓	✓
Chief Legal Adviser	✓	✓	✓
Chief Scientist	✓	✓	✓
Client Services and Data Manager	✓	✓	☐
Research Data Manager	✓	☐	☐
Research Data Analyst	✓	☐	☐
Client Services Data Analyst	✓	✓	☐
Manager, Observer Services	✓	☐	☐
Customary Relationship Manager	☐	☐	✓
Programme Manager (Deed of Settlement Implementation Programme)	☐	☐	✓
Manager Allocations and Regulatory Services	✓	✓	☐
Fisheries Services Manager	✓	✓	☐
QMS Data Manager	☐	✓	☐

*QMS Data includes Quota, ACE, LFR, High Seas, Vessel, Permit and Aquaculture information

Appendix B

Grounds for withholding official information under the OIA

Section 6 - Conclusive reasons for withholding official information:

Information can be withheld if the making available of that information would be likely-

- (a) To prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or
- (b) To prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by-
 - (i) The government of any other country or any agency of such a government; or
 - (ii) Any international organisation; or
- (c) To prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
- (d) To endanger the safety of any person; or
- (e) To damage seriously the economy of New Zealand by disclosing prematurely decisions to change or continue Government economic or financial policies relating to-
 - (i) Exchange rates or the control of overseas exchange transactions;
 - (ii) The regulation of banking or credit;
 - (iii) Taxation;
 - (iv) The stability, control, and adjustment of prices of goods and services, rents, and other costs, and rates of wages, salaries, and other incomes;
 - (v) The borrowing of money by the Government of New Zealand;
 - (vi) The entering into of overseas trade agreements.

Section 9(2) - Other reasons for withholding official information (unless the public interest in making the information available outweighs the need to withhold them): -

Information can be withheld where withholding the information is necessary to -

- (a) Protect the privacy of natural persons, including that of deceased natural persons; or
- (b) Protect information where the making available of the information-
 - (i) Would disclose a trade secret; or
 - (ii) Would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information; or

Continued on next page

Appendix B, Continued

Grounds for withholding official information under the OIA
(continued)

- (ba) Protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information -
 - (i) Would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied; or
 - (ii) Would be likely otherwise to damage the public interest; or
- (c) Avoid prejudice to measures protecting the health or safety of members of the public; or
- (d) Avoid prejudice to the substantial economic interests of New Zealand; or
- (e) Avoid prejudice to measures that prevent or mitigate material loss to members of the public; or
- (f) Maintain the constitutional conventions for the time being which protect-
 - (i) The confidentiality of communications by or with the Sovereign or her representative;
 - (ii) Collective and individual ministerial responsibility;
 - (iii) The political neutrality of officials;
 - (iv) The confidentiality of advice tendered by Ministers of the Crown and officials; or
- (g) Maintain the effective conduct of public affairs through-
 - (i) The free and frank expression of opinions by or between or to Ministers of the Crown or members of an organisation or officers and employees of any Department or organisation in the course of their duty; or
 - (ii) The protection of such Ministers, members of organisations, officers, and employees from improper pressure or harassment; or
- (h) Maintain legal professional privilege; or
- (i) Enable a Minister of the Crown or any Department or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities; or
- (j) Enable a Minister of the Crown or any Department or organisation holding the information to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations); or
- (k) Prevent the disclosure or use of official information for improper gain or improper advantage.

Continued on next page

Appendix C

Charging for Official Information

The OIA allows the Ministry to charge for the supply of official information. The charge must be fixed and reasonable. In setting the charge regard may be had to the cost of the labour and the materials involved in making the information available and to any costs incurred pursuant to a request to make the information available urgently. The Ministry may require that the whole or part of any charge be paid in advance.

Ministry of Justice Guidelines

The Ministry of Justice has developed charging guidelines for OIA requests. These guidelines can be found at:
<http://www.justice.govt.nz/pubs/reports/2002/charging-guidelines/index.html>

It is important to note that there are currently areas where access to official information under the Fisheries Act 1996 is given pursuant to an existing charging arrangement set out in the Fisheries Act. The OIA does not derogate from such access (section 52 of the OIA) and the guidelines do not affect those arrangements.

The charge should represent a reasonable fee for access given. It may include time spent:

- ♦ in searching an index to establish the location of the information;
 - ♦ in physically locating and extracting the information from the place where it is held;
 - ♦ in reading or reviewing the information; and
 - ♦ in supervising the access to the information.
-

Charges

Charges should not include:

- ♦ extra time spent locating and retrieving the information if it is not where it should be; or
- ♦ time spent in deciding whether or not access should be allowed and in what form.

Note however, that the actual physical editing of protected information is chargeable.

Continued on next page

Appendix C, Continued

What is reasonable in charging?

The Ministry of Justice Guidelines are only a guide and what is reasonable will depend on the circumstances of the request. For example, if someone with specialist skills is required to provide the information it would be reasonable to charge at a higher rate per hour. If the information is commercially valuable to the requester, it is reasonable to recover the actual cost of the information.

Waiving charges

Charges do not have to be imposed. Factors to consider include:

- ♦ whether payment might cause the applicant financial hardship;
 - ♦ whether remission or reduction of the charge would facilitate good relations with the public or assist the Ministry in its work; and
 - ♦ whether remission or reduction of the charge would be in the public interest because it is likely to contribute significantly to public understanding of, or effective participation in, the operations or activities of the government, and that the disclosure of the information is not primarily in the commercial interest of the requester.
-

Deposit from requester

The requester should be informed of the likely charge before acting on the request. A deposit or payment in advance may be required. Payment can only be required in advance after a decision has been made to release the information.

GST

All charges are inclusive of GST.

Appendix D

Purpose The purpose of Appendix D is to detail all the information contained on the public registers, held at some stage, within the Ministry or FishServe. The appendix also details any other QMS information that is held within a fisheries database but is not public.

Public register information **Quota Register**

The purpose of the quota register under section 124 of the Fisheries Act 1996 is to facilitate quota trading by making public the quota held by individuals and their contact details. This register contains information from 1 October 2001 onwards.

For each stock (where applicable) the quota register contains:

Client Information

- ♦ The quota owners –
 - Legal name
 - Last known postal address
 - Email address
 - Client number
- ♦ All caveators and mortgagees of the quota -
 - Last known postal address
 - Email address
 - Client number

(Note the postal address is derived using the following hierarchy. Business postal address first, if none then registered office postal address, if none then residential postal address, if none then other postal address.)

Allocation/Holding Information

- ♦ The individual transferable quota (ITQ) allocated to each person
- ♦ The provisional individual transferable quota (PITQ) allocated to each person
- ♦ The provisional catch history (PCH) allocated to each person
- ♦ The aggregate holding of each kind of quota and PCH held by each person (i.e. total ITQ and PITQ)
- ♦ The amount of PCH that is subject to a transfer dispute under section 38 (removed from register 11/11/04)
- ♦ Whether or not the PCH allocated to a person is subject to an appeal or the determination of an appeal is yet to be given effect to under section 52 of the Act
- ♦ Whether or not a person with an allocation of PCH is eligible to receive quota

Continued on next page

Appendix D, Continued

Public register information (continued)

- ♦ Whether or not the holder of quota or PCH has an exemption to hold under section 56(2) (overseas person)
- ♦ Whether or not the holder of quota or PCH has permission to acquire or continue to hold quota under section 57(3) (overseas person)
- ♦ Whether or not the quota holder has consent under section 60 of the Act to hold quota in excess of the aggregation limits for the stock
- ♦ The amount of PCH cancelled for each person (if any)
- ♦ The amount of the Crown's encumbered and unencumbered holdings of quota
- ♦ Whether or not settlement quota interest has been registered over the quota shares, if it has
 - The number of quota shares subject to the interest
 - The time and date of registration
 - The time and date of withdrawal of interest
(settlement quota added to register from 11/11/04)

Transfer Information

- ♦ Every registered transfer of ITQ (whether by operation of law or otherwise)
 - The legal names of the transferor and the transferee
 - The number of quota shares transferred
 - The time and date of the registration of the transfer
- ♦ Every registered transfer of PITQ by operation of law
 - The legal names of the transferor and the transferee
 - The number of quota shares transferred
 - The time and date of the registration of the transfer
- ♦ Every registered transfer of PCH (whether by operation of law or otherwise)
 - The legal names of the transferor and the transferee
 - The amount in kilogrammes of provisional catch history transferred
 - The time and date of the registration of the transfer
- ♦ Every forfeiture of quota or PCH under this Act
 - The time and date of the registration of the resulting transfer to the Crown of the quota or PCH
 - The number of quota shares or kilogrammes of PCH transferred to the Crown
- ♦ Every increase and every decrease in the number of quota shares held by any person that results from the transfer by the Crown of any quota by virtue of the operation of section 22 (TACC decrease) or section 23 (TACC increase) or section 52 (appeal decision quota increase or decrease) of this Act

Continued on next page

Appendix D, Continued

Public register information (continued)

Caveat Information

- ♦ Every caveat registered in respect of any quota shares under section 159 of this Act
 - The legal names of the caveator and the quota owner over whose quota shares the caveat is registered
 - The time and date of the registration of the caveat
 - The number of quota shares over which the caveat is registered
 - The type of caveat being imposed (consensual, crown or court)
 - The date (if any) on which the caveat will lapse
 - The date on which the caveat is withdrawn
 - The date a caveat is removed (if applicable)
- ♦ Settlement quota interests are listed under the Allocation/Holding information section above

Mortgage Information

- ♦ Every mortgage registered under section 159 of this Act
- ♦ The legal names of the mortgagor and the mortgagee
- ♦ The time and date of the registration of the mortgage
- ♦ The number of quota shares secured by the mortgage
- ♦ Every variation of the terms of the mortgage
- ♦ Every assignment of the mortgage
- ♦ The time and date of discharge of the mortgage

Miscellaneous information

- ♦ Corrections to the register made under section 165
 - The nature of the correction
 - The time and date of the correction

General stock information

- ♦ The total allowable catch (TAC)
- ♦ The total allowable commercial catch (TACC)
- ♦ Whether or not the stock was previously controlled by an individual catch entitlement (ICE)
- ♦ The current total number of appeals over PCH comprising the appeals that have not been determined and the appeals that have been determined but have not been given effect to under section 52 of the Act
- ♦ Every memorial registered under this Act, and the reason for the memorial (sections 25 and 186ZL)

Continued on next page

Appendix D, Continued

Public register information (continued)

Quota Register

The purpose of the quota register under section 28P the Fisheries Act 1983 was to facilitate quota trading by making public the quota held by individuals and their contact details. This register contains information from 1 August 1986 to 30 September 2001. From 1 October 2001 the register was called the Transitional Register and only contained individual transferable quota transfers that took effect on or after 1 October 2001 and leases that began or ended on or after 1 October 2001 (reference, section 345 Fisheries Act 1996).

For each stock (where applicable) the quota register contains:

Allocation/Holding Information

- ♦ The individual transferable quota (ITQ) allocated to each person
- ♦ The transferable term quota (TTQ) allocated to each person

Transfer Information

- ♦ Every registered transfer of ITQ by operation of law or otherwise
 - The name and address of the transferor and the transferee
 - The tonnage or other amount of quota transferred
 - The date on which the transfer occurred or is to occur
- ♦ Every registered transfer of TTQ by operation of law or otherwise
 - The name and address of the transferor and the transferee
 - The tonnage or other amount of quota transferred
 - The date on which the transfer occurred or is to occur
- ♦ For every lease under section 28Q of the Act
 - The name and address of the lessor and lessee
 - The tonnage or other amount of quota leased
 - The date on which the lease commences and terminates

General stock information

- ♦ The total allowable commercial catch (TACC)

Annual Catch Entitlement (ACE) Register

The purpose of the ACE register under section 124 of the Fisheries Act 1996 is to facilitate ACE trading by making public the ACE held by individuals and their contact details. This register contains information from 1 October 2001 onwards.

An Annual Catch Entitlement Register is held separately for each fishing year and stock, the following particulars are held on each register:

Continued on next page

Appendix D, Continued

Public register information (continued)

Client Information

- ♦ The ACE holders -
 - Legal name
 - Last known postal address
 - Email address
 - Client number
- ♦ All caveators of the ACE -
 - Last known postal address
 - Email address
 - Client number

(Note the postal address is derived using the following hierarchy. Business postal address first, if none then registered office postal address, if none then residential postal address, if none then other postal address.)

Transfer Information

- ♦ Every registered transfer of annual catch entitlement (whether by operation of law or otherwise)
 - The legal names of the transferor and the transferee
 - The amount (in kilogrammes) of annual catch entitlement transferred
 - The time and date of registration
- ♦ Every transfer of annual catch entitlement received for registration under section 133 of this Act that is to be effective on and from the first day of the next fishing year (forward transfer)
 - The legal names of the transferor and the transferee
 - The amount (in kilogrammes) of annual catch entitlement to be transferred
 - The time and date of the [chief executive's] receipt of the transfer document
 - The date of cancellation of forward transfers of annual catch entitlement
- ♦ Whether or not annual catch entitlement has been transferred in accordance with section 369G (Chatham Island BNS3 bycatch trade off, no trades after 1/10/03 due to section expiring)

Caveat Information

- ♦ Every caveat registered in respect of the annual catch entitlement under section 159 of this Act
 - The legal names of the caveator and the annual catch entitlement owner over whose annual catch entitlement the caveat is registered
 - The time and date of the registration of the caveat
 - The amount (in kilogrammes) of annual catch entitlement over which the caveat is registered

Continued on next page

Appendix D, Continued

Public register information (continued)

- o The type of caveat being imposed
- o The date (if any) on which the caveat will lapse
- o The date on which the caveat is withdrawn
- o The date a caveat is removed (if applicable)

Holding information

- ♦ All annual catch entitlement held by any person at any time
 - o The total amount of annual catch entitlement that is allocated under section 67 (normal ACE) or section 67A (underfishing ACE),
 - o The total amount of annual catch entitlement that is allocated under section 68 (in-season TAC ACE),
- ♦ Every forfeiture of annual catch entitlement under this Act, including —
 - o The time and date of the registration of the resulting transfer to the Crown of the annual catch entitlement
 - o The amount (in kilogrammes) of annual catch entitlement transferred to the Crown
- ♦ In respect of the Crown's holdings, the total annual catch entitlement available for trading(unencumbered), the total annual catch entitlement unavailable for trading(encumbered), and the total annual catch entitlement available under section 369G(bycatch trade off)
- ♦ Whether or not the ACE holder has an exemption to hold under section 56(2) (overseas person)
- ♦ Whether or not the ACE holder has permission to acquire or continue to hold under section 57(3) (overseas person)
- ♦ The amount of allocations of annual catch entitlement made on 1 October 2001 under sections 340 and 340A of the Act (initial allocation 90%, withheld ACE 10%, remaining allocation up to 10% and transitional underfishing)

Miscellaneous information

- ♦ Corrections to the register made under section 165
 - o The nature of the correction
 - o The time and date of the correction

Catch information

- ♦ The total catch—
Reported to date for the fishing year by the commercial fisher or annual catch entitlement holder on a monthly harvest return or monthly harvest return amendment (within the meaning of the Fisheries (Reporting) Regulations 2001); or

Continued on next page

Appendix D, Continued

Public register information (continued)

In any case where there is a conviction, relating to a failure to furnish returns or the furnishing of false or misleading returns, as assessed by the chief executive for the relevant period—

for the first quarter of the fishing year, the second quarter of the fishing year, the third quarter of the fishing year, and monthly for each of the remaining 3 months of the fishing year. The Act also states under section 128(1)(g) further reported catch to be listed on the register, this does not occur, the registers regulation requirement is heeded instead.

- ♦ Any change to a commercial fisher's reported catch as a result of a monthly balance review under section 80

Permit Register

The permit register under section 98 the Fisheries Act 1996 is an official record of entities that can fish in the New Zealand EEZ. This register was established 1 October 2001.

The permit register contains:

Client Information

- ♦ For each permit holder
 - Legal name
 - Postal address
 - Email address
 - Client number
 - The name of each eel agent and FOTFAV person authorised under section 89(5)

(Note the postal address is derived using the following hierarchy. Business postal address first, if none then registered office postal address, if none then residential postal address, if none then other postal address.)

Permit Information

- ♦ The period for which each permit is valid
- ♦ Whether or not a permit is current or suspended
- ♦ If a permit is suspended, the date on which the suspension took effect
- ♦ Whether or not the permit authorises the taking of stocks subject to the quota management system and non QMS stocks not listed in schedule 4C,
- ♦ The 4C stocks that may be taken under the authority of the permit; and
 - The fishing methods authorised to be used

Continued on next page

Appendix D, Continued

Public register information (continued)

- ♦ All conditions imposed on a permit and whether any exemptions have been granted
- ♦ The name of each person who has breached overfishing thresholds, and whether they have approval to continue despite a prohibition under section 78(2)
- ♦ The name of each person whose permit is subject to a permit prohibition under section 78(2) or section 78A(1).

Note: the 4C additions came into force 11/11/04 prior to that date non quota stocks were listed on the permit.

Fishing Vessel Register

The fishing vessel register under section 98 the Fisheries Act 1996 is an official record of vessels that can fish in the New Zealand EEZ. This register was established 1 October 2001.

The fishing vessel register contains:

Client Information

- ♦ For each vessel owner and operator
 - o Legal name
 - o Postal address
 - o Email address
 - o Client number
- ♦ For each notified user (section 104) and authorised agent (section 103(2)(c) or 105(2)(c))
 - o Legal name
 - o Postal address
 - o Email address

(Note the postal address is derived using the following hierarchy. Business postal address first, if none then registered office postal address, if none then residential postal address, if none then other postal address.)

Vessel Information

- ♦ The name of each vessel
- ♦ Each vessel's registration number
- ♦ Each vessel's base port and port of registry (if any)
- ♦ The status of each vessel (e.g a New Zealand fishing vessel, a foreign-owned New Zealand fishing vessel, a fish carrier, or foreign vessel licensed under section 83 to fish in EEZ)
- ♦ The period for which each vessel is registered

Continued on next page

Appendix D, Continued

Public register information (continued)

- ♦ If a vessel's registration has been cancelled, the date the cancellation took effect
- ♦ For foreign-owned New Zealand fishing vessels and fish carriers
 - o Flag state
 - o Port of registry
- ♦ For foreign vessels licensed under section 83
 - o Flag state
 - o Port of registry
 - o Whether the licence is suspended and the date it took effect
 - o If the licence has been revoked, the date the revocation took effect

High Seas Permit Register

The high seas permit register under section 98 of the Fisheries Act 1996 is an official record of vessels and entities that can fish outside the New Zealand EEZ. This register was established 1 October 2002.

The high seas permit register contains:

Client Information

- ♦ For each permit holder
 - o Legal name
 - o Postal address
 - o Email address
 - o Client number

(Note the postal address is derived using the following hierarchy. Business postal address first, if none then registered office postal address, if none then residential postal address, if none then other postal address.)

Vessel Information

- ♦ The name and registration number of each vessel
- ♦ The international radio call sign of each vessel

Permit Information

- ♦ Each permit holder's permit number (the actual permit ID not the client number)
- ♦ The period for which each permit is valid
- ♦ Whether or not a permit is current, suspended, or revoked
- ♦ If a permit is suspended or has been revoked, the date the suspension or revocation took effect

Continued on next page

Appendix D, Continued

Public register information (continued)

- ♦ All conditions imposed on a permit and whether any exemptions, approvals, or amendments have been granted.

Marine Farm Act 1971 Register

This register was a record of leases and licences held under section 15 of the Marine Farm Act 1971. The register is still held on HAKU and every field entered was considered as being on the register and released. This register was replaced by the Fish Farmer Register on 1 January 2005. The list of fields is as follows:

Farm Information

- ♦ Farm number
- ♦ Execution date
- ♦ Effective date
- ♦ Expiry date
- ♦ Farm size
- ♦ Location
- ♦ Survey office number (SO number)
- ♦ Species code, common name, effective date, end date

Client Information

- ♦ For each licensee and lessees:
 - o Client number
 - o Primary owner
 - o Service address
 - o Phone number
 - o Sublease size
 - o Mortgage

Marine Farming and Spat Catching Permit Registers

These registers are an official record of marine farming and spat catching permits registered under section 67J and 67Q of the Fisheries Act 1983. It is to be replaced by the Fish Farmer Register. All this information was/is held on the HAKU database and was treated as the register even though the Act did not specify all the information below.

Client Information

- ♦ For each permit holder
 - o Client number

Continued on next page

Appendix D, Continued

Public register information (continued)

- Service address
- Primary owner
- Phone number

Permit Information

- ◆ Farm number
- ◆ Effective and expiry date
- ◆ Farm size
- ◆ Location
- ◆ Coastal permit number
- ◆ The fish, aquatic life or seaweed that may be farmed in that area

Freshwater Fish Farms

This information is not held on a public register but was required to be kept under the Freshwater Fish Farming Regulations 1983; refer to “Information not on the public registers” section below.

Fish Farmer Register

This register is an official record of fish farmers registered under section 186V of the Fisheries Act 1996.

Client Information

- ◆ For each registered fish farmer
 - Name
 - Address
 - Email address
 - Client number

Farm Information

- ◆ Unique identifier for each fish farm
- ◆ Location and boundaries of fish farm
- ◆ Size in hectares of each fish farm
- ◆ The species of fish, aquatic life, or seaweed that may be farmed
- ◆ Conditions imposed under section 186S

Miscellaneous Information

- ◆ Date the application was granted
- ◆ Date fish farm registration varied and date on which it takes place

Continued on next page

Appendix D, Continued

Public register information (continued)

- ♦ If varied details of variation
- ♦ Date registration suspended
- ♦ Date registration revoked

Register of Aquaculture Agreements

This register holds aquaculture agreements lodged with the chief executive under section 186ZH of the Fisheries Act 1996.

Client information

- ♦ For each person whose aquaculture agreement has been registered
 - Name
 - Address
 - Email address
 - Client number
- ♦ Regional council agreement related to
 - Name
 - Address

Agreement information

- ♦ Description of aquaculture management area and sites
- ♦ Stock and species
- ♦ Statement that agreement contains consents required by section 186ZF
- ♦ Lodgement date
- ♦ Date of time extension, if any
- ♦ Date regional council notified of a matter under section 186ZK
- ♦ Yes/No indication where consent has been given by the High Court under section 186ZG

Southern Scallop Fishery Register

This register held quota, transfer and lease information for the SCA7 fishery. The register was established for a short time from 1 October 1992 until 30 September 1995 under section 28ZR of the Fisheries Act 1983.

Allocation/Holding Information

- ♦ The individual transferable quota (ITQ) allocated to each person

Transfer Information

- ♦ Every registered transfer of ITQ by operation of law or otherwise
 - The name and address of the transferor and the transferee

Appendix D, Continued

Public register information (continued)

- o The tonnage of quota transferred
- o The date on which the transfer occurred or is to occur
- ♦ For every lease under section 28ZS of the Act
 - o The name and address of the lessor and lessee
 - o The tonnage of quota leased
 - o The date on which the lease commences and terminates

General stock information

- ♦ The annual allowable catch

Information not on public registers

There is a variety of information collected and stored in the database which is not contained on the public registers. Some of the information is given below. If you are not sure if certain information is available contact the QMS Data Manager or the ITT Client Services Team for help. Note some of this information is available publicly in a summarised form or is available in legislation.

Quota (under the 1996 Act)

- ♦ Preferential rights
- ♦ Transaction price

ACE

- ♦ Transaction price
- ♦ Minimum holding entitlement information (MHE)

Permits

- ♦ Landing points
- ♦ Deceased fisher permit application details
- ♦ Eel and FOTFAV agreement details includes stock codes and Eel statistical areas (ESA)
- ♦ Wharf sale indication (YES/NO)
- ♦ Permit information relating to the Fisheries Act 1983 is basically the same as that collected under the 1996 Act.

Fishing Vessels

- ♦ Crew members names and contact details
- ♦ Vessel specifications, for example, length, colour, configuration

Continued on next page

Appendix D, Continued

Information not on public registers (continued)

- ♦ ALC registration details
- ♦ Lloyds/IMO number
- ♦ Callsign
- ♦ Processing and storage capacity
- ♦ Navigation and communication equipment
- ♦ Vessel information collected under the Fisheries Act 1983 is basically the same as that collected under the 1996 Act except operator details were not collected (the owner was thought of as being the operator)

High Seas Permits

- ♦ Proposed fishing activity, for example, FAO stat area, species and method

Client (under the 1996 Act)

- ♦ Trading and preferred name
- ♦ Client type e.g. individual, company, trust
- ♦ Client nationality
- ♦ Physical residential and business address
- ♦ Contact person name, address, phone number and contact type
- ♦ Signing authority person name, phone number and authority dates
- ♦ Date of birth/commencement date

Licensed Fish Receiver (LFR) (under the 1996 Act)

- ♦ LFR principle and additional premises includes physical and postal address and vehicle details
- ♦ Premises store capacity
- ♦ LFR suspensions
- ♦ Business record location
- ♦ Inventory held at date of application

Monthly Harvest Returns (MHRs)

- ♦ Individual MHR return catch – stock and quantity
 - ♦ Vessels used to take catch
 - ♦ Reason for amendment
 - ♦ MHRs which have been returned for correction and the reported catch
- (Note summary MHR information is available via the ACE register)

Continued on next page

Appendix D, Continued

Information not
on public
registers
(continued)

Licensed Fish Receiver Returns (LFRRs) (under the 1996 Act)

- ♦ LFRR returns submitted by LFRs, includes permit holder, species and quantity
- ♦ LFRR amendments with reason for change

Quota Management Reports (QMRs)

- ♦ Quota Holder name and client number
- ♦ Report month and year
- ♦ Fishstock landed
- ♦ Greenweight
- ♦ Vessel name and registration number (for those vessels used to catch the fish)

Finance

- ♦ Deemed value transactions and penalties
- ♦ Cost recovery transactions and penalties
- ♦ Levy rates
- ♦ Deemed value rates
- ♦ Marine farm charges

Freshwater Fish Farms

- ♦ Client number and name
- ♦ Service address
- ♦ Phone number
- ♦ Farm number
- ♦ Effective and expiry date
- ♦ Land title
- ♦ Survey district
- ♦ Water catchment (where water comes from)
- ♦ Water right expiry date
- ♦ Fish pack house number (FPH number)

Marine Farming and Spat Catching Permits

- ♦ Permit conditions

Continued on next page

Appendix D, Continued

Information not
on public
registers
(continued)

New Zealand Western and Central Pacific Fisheries Convention Vessel Register

The NZ Western Central Pacific Fisheries Convention vessel register is an official record of vessels which can fish in the Western Central Pacific area. This register was established under the Fisheries (Western and Central Pacific Ocean Highly Migratory Fish Stocks) Regulations 2003.

The International group within the Ministry holds this register.

This register contains:

Client information

- ♦ The vessel owner
 - o Legal name
 - o Company name
 - o Postal address
 - o Date of birth/commencement date
 - o Email address

Vessel information

- ♦ The vessels current and previous names
 - ♦ NZ Ship Register of Ships number
 - ♦ Callsign
 - ♦ If the vessel has an NZ high seas fishing permit
 - ♦ IMO and Forum fisheries numbers
 - ♦ Port of registry
 - ♦ Vessel specifications, for example, length, beam, configuration, freezer type
 - ♦ Vessel communication equipment
 - ♦ Masters name and contact details
 - ♦ Vessel photo
-

Appendix E

Release of Sensitive Information

The following table identifies the circumstances in which more sensitive information may be released and to whom.

Sensitive Information that might be Released	Requester			
	Authorised Ministry staff and authorised law enforcement agencies	All Ministry staff	Researchers conducting an approved project ¹ who have a confidentiality agreement with the Ministry	Person or organisation that initially provided the data ²
<ul style="list-style-type: none"> Increased accuracy location data (1/10th degree). Full accuracy date & time data. Data in which any month and 1 degree (or statistical area) strata has less than 3 vessels or persons, or organisations present. 	Yes	Yes	Yes	Yes
Data that includes vessel_key ³ or perorg_key ⁴ .	Yes	Yes	Yes	No
Full accuracy location data. Vessel attributes.	Yes	Yes	Requires RDM authorisation - refer (a) below	Yes
Vessel, person, or organisation name or ID data.	Yes	Yes	Requires RDM authorisation - refer (a) below	Yes

Continued on next page

¹ An approved project is a project conducted on behalf of the Ministry (e.g. a Ministry research contract), or an independent project for which the public interest in releasing information outweighs the grounds which exist for non-disclosure of information. In general, for an independent project to be approved, it is likely that such a project will need to advance the sustainability of New Zealand's fisheries and be consistent with the primary reasons for collecting the catch effort and observer data. The Research Data Manager, in conjunction with Science Policy staff will determine on a case by case basis, whether an independent project is to be considered as being an approved project. Sensitive data is only provided to approved projects when the project has a specific need for such data.

² In the case of catch effort data, this is the Permit holder (or a person authorised by the Permit holder) who was required to submit the catch return(s). In the case of observer data, this is the person or organisation who had an observer(s) on their vessel.

³ Vessel_key is a unique identification given to all vessels

⁴ Perorg_key is a unique identification for people or companies

Appendix E, Continued

Release of Sensitive Information (continued)

Any vessel_key or perorg_key decryption data.	Yes	No	Requires RDM authorisation - refer (b) below	No
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Procedures for the release of sensitive information to researchers

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- (a) This information may be released to the researcher upon:
- receiving authorisation from the Research Data Manager;
 - receiving a project number (if the requester is fulfilling a Ministry contract);
 - advising the researcher that this information has been classified ‘Sensitive’; and
 - providing the researcher with a copy of the Ministry standard clauses regarding the release of sensitive or highly sensitive catch effort/observer information.
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