



**Inter-American Convention for the Protection and Conservation of Sea Turtles
9th Conference of the Parties**

June 12 – 14, 2019 – Santo Domingo, the Dominican Republic

Updated May.30.19

CIT-COP9-2019-R4

**Draft Resolution on the Procedure for the Access to, Use and Request of Data
Compiled by the IAC**

Within the last year, non-governmental organizations have requested information to the IAC Secretary *Pro Tempore* with the purpose of including it in research projects involving analyses of historical and current information. By recommendation of the Scientific Committee this topic was discussed during the 12th Meeting of the IAC Consultative Committee of experts, where it was agreed to propose a resolution in order for third parties to access such data.

Therefore, the Consultative Committee requests that the Conference of the Parties consider adopting this resolution to guarantee proper management of the data produced by governments and non-governmental organizations, and submitted by the Parties to the IAC.

NOTE to IAC COP: New text in blue and edits have been suggested by the United States, additional comments from Peru and Venezuela are included in the document below.



Inter-American Convention for the Protection and Conservation of Sea Turtles
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**DRAFT RESOLUTION PROCEDURE FOR THE ACCESS TO, USE AND
REQUEST OF DATA COMPILED BY THE IAC**

Considering the importance of proper management of the data submitted to the IAC by the IAC Parties, governments, private and non-governmental organizations;

Considering that some of the information submitted to the IAC is not public, it merits a certain level of protection; requires a certain level of confidentiality;

Recognizing the need for greater protection confidentiality in for some of the data submitted by the Parties through the IAC Annual Report;

Emphasizing that the IAC Scientific and Consultative Committee are committed to transparency about data use;

**THE NINTH CONFERENCE OF THE PARTIES OF THE INTER-AMERICAN
CONVENTION FOR THE PROTECTION AND CONSERVATION OF SEA
TURTLES**

Agrees to adopt the following:

PROCEDURE TO REQUEST AND USE DATA COMPILED BY THE IAC

This document addresses the procedure for third parties to request and use data compiled by the IAC. Individuals or organizations requesting data must be an accredited IAC observer. The procedure is as follows:

1. The applicant shall should submit a physical letter addressed to the IAC Secretary *Pro Tempore* and a digital copy to the e-mail address secretario@iacseaturtle.org
2. The content of the letter of data request or data use must include:
 - a. What data or datasets are requested and explicit details about how the data will be used, and any subsequent products. (i.e. peer-review paper, IUCN Red List status review, etc.).
 - b. The rationale for the request.
 - c. Name of the research that will use the data.
 - d. Expected output.

Comentado [D1]: Rationale – the US prefers to clarify that information Parties may submit is not always publically available and thus need to be kept confidential.

Comentado [D2]: Comment USA – The IAC can't bind third parties with legally binding language. The IAC can only bind Parties to the Convention. Alternatively, the language can behind the Secretariat and could be written as "The Secretariat shall require applicants to submit a physical letter...."

Comentado [VC3]: Comment Peru: The IAC website could have a format that the applicant can fill out to submit the letter of data request to the Secretariat electronically. This is used by other organizations.

The data may only be used for one research project at a time a new request **should** be submitted if the information is required for a different project. The data **should not** be used for commercial purposes, and all authorship **should** be recognized for each individual, private or non-governmental organization that has provided information.

Comentado [D4]: Comments USA: The changes in the paragraph relate to the earlier comment that the IAC cannot bind third parties.

- The IAC Secretary *Pro Tempore* **shall** submit the request to the IAC Consultative and Scientific Committee Chair who **shall** delegate a joint working group formed primarily by the delegates for each country whose data is included in the request, although others can also participate. **This working group shall** consider the request as well as verify if the data have already been approved for sharing or if further approval is required.

Comentado [D5]: Question USA– Is the intent to have a standing working group with clear criteria for data release or will there be a new working group created every time?

- The Secretary shall seek permission from every country provided the requested data at issue, as relevant.** ~~Data use permission must be granted by the specific country/countries that provided the data under request.~~ For example, if a fishery bycatch data-set that includes data from countries A, B, and C **is requested**, then all three countries must approve the data request for the dataset to be provided to the requester. If any one country does not grant approval, then a truncated dataset will be provided that includes only the data from the countries that approved the request.

Comentado [D6]: Comment USA: This language change clarifies that we are looking for permission from the countries that provided data and the role of the Secretariat in the process.
Comment Venezuela: Important to clarify that Parties will be asked for permission to use /release their data and once granted it will be released.

- Once permission has been granted, the working group will organize the data in the **most efficient format available** to be sent to the requester.

Comentado [D7]: Comment USA: Please clarify what does the “most efficient format available” mean? The United States is unclear what the intent of this paragraph is.

- Subject to the approvals referenced in paragraph 4,** the applicant will receive an electronic confirmation of approval from the IAC Secretary *Pro Tempore* and the data can be released. ~~in the most efficient way available~~

Comentado [D8]: Comment USA: The U.S. would like to clarify that the released data is the approved data set referenced in paragraph 4. Further, we do not understand what “most efficient format available” is so we suggest deleting it.

- As stated before the requester may only use the data for the purposes initially stated in the request. Any additional use of datasets requires additional approval by the Consultative and Scientific Committees. **Failure to use data in accordance with these procedures may result in a decision by the IAC to no fulfill a subsequent request for data by the requester as well as losing the status as an IAC accredited observer.** ~~Legal procedures against the infringement of intellectual property rights may also be initiated.~~

- The entity, organization or individuals requesting data **should** provide a report of the results of the research project as well as any published products that use the data to the IAC Secretariat *Pro Tempore* for subsequent forwarding to the sources of the data.

- Data in the public domain **should** be available to any persons for (a) downloading from the Convention’s website and/or (b) release by the Convention on request. The website should contain a statement describing the conditions associated with the viewing or downloading of public domain data (for example, that the source of the data must be **acknowledged**).

Comentado [D9]: Comment USA: We request changing shall to should as we the IAC can’t bind the use of data in the public domain.