

Ministry for Primary Industries
Manatū Ahu Matua



**Guidelines for the Release of Fisheries
Information
(Collected under Statutory Regulations)
Version 1.0**

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Preface

The Ministry for Primary Industries (MPI) holds a vast amount of data on behalf of New Zealanders. This data is an important strategic asset and is a source of significant value to New Zealand. Through increased access, this data can be used by the private, public, and non-government sectors to drive innovation and contribute to economic, social, and environmental progress.

Management of information within MPI and public access to it are governed within the context of a hierarchy of three key legislative instruments:

- The Public Records Act 2005 – which determines what and when information is considered a public record;
- The Official Information Act 1982 (OIA) – which sets out the framework for making official information available and the grounds for withholding it; and,
- The Privacy Act 1993 – which protects personal information contained in official information.

MPI also manages data in alignment with the broader open government approach which seeks to ensure transparent government through open data and information that supports a principle of information availability and engagement with government.

Fisheries Management Data

Information that MPI holds in relation to fisheries management is a matter of public record and is official information under the OIA. It is information that has been collected in accordance with the requirements of the Fisheries Act 1996 (“the Act”). Any requests for information will be considered on their own merit in accordance with the purpose of the OIA and the principle that information shall be made available unless there is good reason to withhold it (subject to the Chief Executive’s obligations under the Act to make the information available).

Any information relevant to a request for information is collated, reviewed, consulted on (where required) and put through an approval process to ensure that both the interests of those who are the subject of the information and the public is weighted/balanced prior to a decision being made and its release to a requestor.

MPI recognises that a commercial operator’s fishing knowledge may be a valuable commodity. As a principle, MPI will seek to protect the information received from individual fishers, while balancing the public interest within the framework of the OIA and the requirements of the Act.

Subject to any requirements of the Act and in the context of information contained within fisheries management databases, information will not normally be released if:

- it is considered commercially sensitive, and releasing it would unreasonably prejudice the commercial position of the permit holder who supplied it;
- it would impact on the supply of similar information in the future;
- we do not have permission for its release under our contractual obligations without first obtaining consent.

Personal Information

The Privacy Act (1993) defines personal information as information about an identifiable individual. Most fisheries databases will hold personal information. Examples include imagery (photos of an individual), and names, addresses, infringement information and so on.

The Privacy Act's Principle 6 gives individuals the right to access their personal information held by MPI, when that information is readily retrievable. Like the OIA, the Privacy Act provides for the withholding of information from release if it is considered necessary to protect specific interests, including where it is necessary to protect the safety or privacy of other individuals, or where disclosure would be likely unreasonably to prejudice the commercial position of the person who supplied or who is the subject of the information.

In most cases, government agencies cannot charge for processing a request for information under the Privacy Act.

Exclusion of certain information

To clarify these guidelines for the release of fisheries information do not cover, provide any guidance, or information regarding the release of information to other government agencies. These guidelines only deal with fisheries information MPI has collected under its statutory authority.

Disclaimer

The information contained in this guideline is intended to provide guidance to staff of MPI, contractor agencies and any approved service delivery organisations who hold information collected under the provisions of the Fisheries Act, by or on behalf of MPI. All reasonable measures have been taken to ensure the quality and accuracy of the information. MPI may change, delete, add to, or otherwise amend information contained in this guideline without notice; and disclaims any and all responsibility for any inaccuracy, error, or any other deficiency in the information.

About this Document

Purpose

The purpose of these guidelines is to provide staff of:

- ♦ MPI; 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 FishServe);

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

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

These guidelines cover the release of fisheries information including electronic copies of data sets and reports. This guideline document specifically applies to the following categories of information:

- information collected under the Act and required to be made public and open for inspection
- information collected as a consequence of maintaining statutory registers including information stored in MPI’s databases
- data collected as a result of MPI’s contractual arrangements with suppliers stored in MPI’s databases.

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 MPI, its agents, and ASDOs when considering the release of fisheries information contained in databases.

About this Document *(continued)*

Information requests

By way of background, all requests for information must be handled under Part II of the Official Information Act 1982 (the OIA) and / or Part 4 of the Privacy Act 1993 **unless**:

- ♦ 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, i.e. 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
- ♦ where a person requests personal information relating to themselves that is held by the MPI. The Privacy Act 1993 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 (unless that information is part of a public register).

In accordance with the OIA, MPI has an obligation to make information it holds available unless there are good grounds to withhold it. The grounds for withholding information are listed in the [Official Information Act 1982](#).

There will be cases where there are grounds for withholding information yet it is considered to be 'in the public interest' to release it. When considering the public interest, the test is to consider if the information would be of *legitimate concern* to the public as opposed to information that would be merely interesting on a human level. There are many factors to consider when determining whether or not to release including the significance of the information, people who may be affected by its release or the level of interest the information may generate. If satisfied, MPI may consider releasing information in the public interest.

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 (MPI's own database) and Kupe (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 MPI as the Chief Executive determined; and copies were kept at such offices of MPI 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 ("the Act") requires the Chief Executive to keep a Quota Register. MPI owns all information contained in the Quota Register that is required under the Act to be held in the register (section 124(4)). The responsibility for the maintenance of this register has been transferred to FishServe.

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

The Act directs 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.

This means all quota information collected under the Act and held in the Quota Register is publically accessible information. Subject to any identified privacy or commercial concerns there are no restrictions on the release of this information to the public.

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Quota Information *(continued)*

Quota Register (1996 Act) *(continued)*

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.

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 Regulation 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 information collected under the Act and contained in the Quota Register is publicly available. It is a statutory requirement to make the Quota Register information open to public inspection.

The release of any other quota information (collected and held outside the Quota Register) must be assessed individually to determine whether any of the information requested can be released or withheld under the OIA and / or Privacy Act.

Where information is collected and held in a database in general, subject to the obligations in the OIA to release information where it is in the public interest to do so and the need to consider each request on its own merits, or where the information may already be publicly available, the following information may be lawfully withheld on privacy grounds:

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Available information
(continued)

- ♦ personal phone numbers of quota holders who are natural persons in order to protect the privacy of the individuals concerned (s9(2)(a) OIA);
- ♦ quota holder's physical address;
- ♦ on a case by case basis - quota transaction price (commercial sensitivity).

To clarify, information held within the Register is collected and disclosed in accordance with the requirements of the Act. If information is collected outside of those requirements or as a consequence of maintaining the Quota Register, that information can only be considered for release or withheld under the OIA and / or PA requirements.

Information such as the following will be released because it is held on the Quota Register and under the Act it is required to be made publicly available:

- ♦ quota holder name, client number of each quota holder and last known postal address
- ♦ email address (if listed)
- ♦ ITQ and PITQ held
- ♦ quota transfers
- ♦ TAC and TACC

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

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

Contacts for assistance

Any external requests/queries should be directed to FishServe (04) 460 9555.

Charges

FishServe charge for extracts from the Quota Register in accordance with the OIA guidelines. Further charging information are specified in the [Ministry of Justice charging guidelines](#).

Licensed Fish Receiver 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 under regulation 20 of the Fisheries (Reporting) Regulations 2017. The responsibility for the maintenance of LFR registration and returns has been transferred to 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 only (as provided by agreement and for the purpose of LFR operations).
- ♦ port prices by species or stock.

An assessment must be made on a case-by-case basis as to whether LFR information can be released or withheld. Reasons for refusal of requests for personal information are outlined in the [Official Information Act 1982](#). All decisions to withhold must be balanced against the public interest test.

It is necessary to consider whether this information should 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;
- section 9(2)(b)(ii) where the release of commercial information within the fishing industry may prejudice the commercial position of the person who supplied it or who is the subject of that information.

In general, LFR information that may be withheld under section 9(2)(a) of the OIA to protect the privacy of the individual concerned includes information such as:

- ♦ details of the returns made by individual LFRs.
- ♦ personal phone numbers of LFRs who are natural persons in order.

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Licensed Fish Receiver Information *(continued)*

Contacts for assistance

Any external requests/queries should be directed to FishServe (04) 460 9555.

Charges

FishServe will charge for extracts in accordance with the OIA guidelines. Further charging information are specified in the [Ministry of Justice charging guidelines](#).

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 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.

This means all high seas permit information collected under the Act and held in the High Seas Permit Register is publically accessible information. Subject to any identified privacy or commercial concerns there are no restrictions on the release of this information to the public.

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 collected under the Act and contained on the High Seas Permit Register is publicly available. It is a statutory requirement to make the High Seas Permit Register open to public inspection.

The release of any other high seas permit information (collected and held outside the High Seas Permit Register) must be assessed individually to determine whether any of the information requested can be released or withheld under the OIA and or PA. Grounds to release or withhold information are detailed in both Acts respectively.

Where information is collected and held in a database 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 request on its merits, or where the information may already be publicly available, the following information may be lawfully withheld:

Continued on next page

High Seas Permit Information *(continued)*

Available information *(continued)*

- ♦ 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).

To clarify, information held within the Register is collected and disclosed in accordance with the requirements of the Act. If Information is collected outside of those requirements or as a consequence of maintaining the Permit Register, that information can only be considered for release or withheld under the OIA and or PA requirements

Information such as the following will be released because it is held on the High Seas Permit Register and under the Act it is required to be made publicly available:

- ♦ permit holder name and postal address
- ♦ client number of each permit holder
- ♦ permit number
- ♦ email addresses (if listed)
- ♦ vessel registration number and name
- ♦ vessel call sign;
- ♦ permit valid dates
- ♦ whether permit is current, suspended or revoked
- ♦ all conditions imposed on a permit.

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

Contacts for assistance

Any external requests/queries should be directed to FishServe (04) 460 9555.

Charges

FishServe will charge for extracts from the High Seas Permit Register in accordance with the OIA guidelines. Further charging information are specified in the [Ministry of Justice charging guidelines](#).

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. MPI owns all information maintained in the ACE Register (section 124(4)). The keeping of this Register has been transferred to FishServe.

Section 128 of the Act, and the Fisheries (Registers) Regulations 2001 set out what information must be contained in the ACE Register.

The Act provides in section 129 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.

This means all annual catch entitlement information collected under the Act and held in the ACE Register is publically accessible information. Subject to any identified privacy or commercial concerns there are no restrictions on the release of this information to the public.

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 Part 2 of the Fisheries (Reporting) Regulations 2017 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 information collected under the Act and contained in the ACE Register is publicly available. It is a statutory requirement to make the ACE Register open to public inspection.

The release of any other ACE information (collected and held outside the ACE Register) must be assessed individually to determine whether any of the information requested can be released or withheld under the OIA and PA. All grounds to withhold data are detailed in both Acts respectively.

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Annual Catch Entitlement Information *(continued)*

Available information *(continued)*

Where information is collected and held in a database in general, subject to the obligations in the OIA to release information where it is in the public interest to do so, and the need to consider each request on its merits, or where the information may already be publicly available, the following information may 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);
- ♦ physical address of ACE holder;
- ♦ on a case by case basis due to commercial sensitivity and confidentiality - ACE transaction price;
- ♦ details of individual MHRs.

To clarify information held within the Register is collected and disclosed in accordance with the requirements of the Act. If information is collected outside of those requirements or as a consequence of maintaining the ACE Register, that information can only be considered for release or withheld under the OIA and/or PA requirements.

Information such as the following will be released because it is held on the ACE Register and under the Act it is required to be made publicly available:

- ♦ ACE holder name and client number of each holder and
- ♦ last known postal address;
- ♦ email address of ACE holder (if listed);
- ♦ 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 A.

Contacts for assistance

Any external requests/queries should be directed to FishServe (04) 460 9555.

Charges

FishServe will charge for extracts from the Annual Catch Entitlement Register in accordance with the OIA guidelines. Further charging information are specified in the [Ministry of Justice charging guidelines](#).

Permit Information

Introduction This section covers fishing permit information that is derived from fishing permits issued. The information is held on the Permit Register and the database.

Permit Register Section 98 of the Act requires the Chief Executive to keep a Permit Register. The keeping of this Register has been transferred to FishServe.

The Fisheries (Registers) Regulations 2001 specify what must be contained in the Permit Register.

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.

This means all fishing permit information collected under the Act and held in the Permit Register is publically accessible information. Subject to any identified privacy or commercial concerns there are no restrictions on the release of this information to the public.

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.

Prior to section 98 coming into effect on 1 October 2001 MPI took the approach of releasing certain permit information in anticipation of the establishment of the section 98 Permit Register. This category of information is now stored within the Permit Register and as such under the Act considered publicly accessible information and open for inspection.

Available information All information collected under the Act and contained in the Permit Register is publicly available. It is a statutory requirement to make the Permit Register open to public inspection.

The release of any other permit information (collected and held outside the Permit Register) must be assessed individually to determine whether any of the information requested can be released or withheld under the OIA and PA. All grounds to withhold data are detailed in the OIA and/or PA.

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Permit Information *(continued)*

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Where information is collected and held in a database in general, subject to the obligations in the OIA to release information where it is in the public interest to do so and the need to consider each request on its merits, or where the information may already be publicly available, the following information may be lawfully withheld on privacy grounds:

- ♦ 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).

To clarify information held within the Register is collected and disclosed in accordance with the requirements of the Act. If Information is collected outside of those requirements or as a consequence of maintaining the Permit Register, that information can only be considered for release or withheld under the OIA and/or PA requirements.

Information such as the following will be released because it is held on the Permit Register and under the Act it is required to be made publicly available:

- ♦ permit holder postal address;
- ♦ email address (if any listed)
- ♦ permit valid dates;
- ♦ Schedule 4C stocks that may be taken;
- ♦ permits with prohibitions attached.

For pre 1 October 2001 permit data (information collected and stored outside the Register), rules were established to deal with such requests:

- 1 MPI should release data to the permit holder who originally provided the data;
- 2 MPI may consider releasing data to a 3rd party if it has clear consent to its release from the permit holder who originally provided the data. If in doubt contact the permit holder.
- 3 MPI may consider releasing the names of permit holders but not any other details to 3rd parties who do not have explicit approval from the permit holder only if that information is contained within the Permit Register. 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. If the information is not within the Register it may not be released without consent.

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

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Permit Information *(continued)*

Contacts for assistance

Any external requests/queries should be directed to FishServe (04) 460 9555.

Charges

FishServe will charge for extracts from the Permit Register in accordance with the OIA guidelines. Further charging information are specified in the [Ministry of Justice charging guidelines](#).

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 FishServe. Information relating to fishing vessel registration is collected under Part 6 of the Act. 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.

This means all fishing vessel information collected under the Act and held in the Fishing Vessel Register is publically accessible information. Subject to any identified privacy or commercial concerns there are no restrictions on the release of this information.

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.

MPI 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 who applied for vessel registration were informed, on the application form signed by the applicants 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 MPI's International Fisheries Management team.

The register is not public but particulars that have already been provided to MPI 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 collected under the Act and contained in the Fishing Vessel Register is publicly available. It is a statutory requirement to make the Fishing Vessel Register open to public inspection.

The release of any other fishing vessel information (collected and held outside the Fishing Vessel Register) must be assessed individually to determine whether any of the information requested can be released or withheld under the OIA and/or PA. [Official Information Act 1982](#).

Where information is collected and held in a database in general, subject to the obligations in the OIA to release information where it is in the public interest to do so and the need to consider each request on its merits, or where the information may already be publicly available, the following information may 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.

To clarify information held within the Fishing Vessel Register is collected and disclosed within the requirements of the Act. If Information is collected outside of those requirements or as a consequence of maintaining this Register, that information can only be considered for release or withheld under the OIA and or PA.

Information such as the following will be released because it is held on the Fishing Vessel Register. Under the Act this information is required to be made publicly available and open for inspection:

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Fishing Vessel Information *(continued)*

(continued)

- ♦ vessel owner, operator and notified user postal address;
- ♦ email address (if any);
- ♦ 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 A.

Contacts for assistance

Any external requests/queries should be directed to FishServe (04) 460 9555.

Charges

FishServe will charge for extracts from the Fishing Vessel Register in accordance with the OIA guidelines. Further charging information are specified in the [Ministry of Justice charging guidelines](#).

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 (“various registers”).

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 under Part 9A of the Fisheries Act 1996 register requirements.

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.

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 also deemed to be transferred to the Fish Farmer Register under Part 9A of the Fisheries Act 1996 register requirements.

As at February 2018, there are still a small number of marine farming permit applications that may be lodged with MPI. These permit applications are now processed and registered under the Fish Farmer Register.

Continued on next page

Aquaculture Information *(continued)*

Fish Farmer Register

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

Regulation 9 of the Fisheries (Registers) Regulations 2001 sets out what matters are required to be on the 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.

This means all fish farmer information collected under the Act and held in the Fish Farmer Register is publically accessible information. Subject to any identified privacy or commercial concerns there are no restrictions on the release of this information.

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 April 2018 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.

Regulation 10 of the Fisheries (Registers) Regulations 2001 sets out what matters are required to be on the Aquaculture Agreement Register.

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.

This means all aquaculture information collected under the Act and held in the Aquaculture Agreement Register is publically accessible information. Subject to any identified privacy or commercial concerns there are no restrictions on the release of this information.

Continued on next page

Aquaculture Information *(continued)*

Register of Aquaculture Agreements *(continued)*

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.

Available information

All information collected under the Act and contained in the various registers is publicly available. It is a statutory requirement to make the Aquaculture Information Register open to public inspection.

The release of any other marine, fish farm and or aquaculture information (collected and held outside the various registers) must be assessed individually to determine whether any of the information requested can be released or withheld under the OIA and/or PA.

Where information is collected and held in a database in general, subject to the obligations in the OIA to release information where it is in the public interest to do so and the need to consider each request on its merits, or where the information may already be publicly available, some information may be lawfully withheld.

To clarify information held within the various registers is collected and disclosed within the requirements of the Act. If Information is collected outside of those requirements or as a consequence of maintaining the various registers, that information can only be considered for release or withheld under the OIA and/or PA.

NB the Freshwater Fish Farming licenses are not held on a public register.

Information such as the following will be released because it is held on the various registers. Under the Act this information is required to be made publicly available and open for inspection:

- ♦ Fish Farmer Register
 - Client name, address, email address (if any)
 - Client number of each registered fish farmer
 - Unique identifier for each fish farm
 - Location and boundaries of farm, and
 - Species that may be farmed.
 - Details of any conditions imposed
 - Details of any variation, suspension or revocation of registration

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

Continued on next page

Aquaculture Information *(continued)*

Contacts for assistance

Any external requests/queries should be directed to FishServe (04) 460 9555.

Charges

Section 67J(12) of the Fisheries Act 1983 allows for consent authorities and Ministry for the Environment to be entitled to copies of all or part of the Marine Farming Permits Register free of charge. Further charging information are specified in the [Ministry of Justice charging guidelines](#).

Catch, Effort and Landing Information

Introduction

This section covers catch and effort information that is derived from catch, effort, and landing returns required by the now revoked Fisheries (Reporting) Regulations 2001 (yet information still retained in the database) and all event reports required by the Fisheries (Reporting) Regulations 2017. Raw data forms and reports are held by FishServe on behalf of MPI and electronic data are stored in MPI's Enterprise Data Warehouse.

This information is not required to be made publically available under the Act and as such any release or withholding considerations must be made under the OIA and/or PA.

Information provided by the Service Delivery Agency

The Service Delivery Agency can make Catch, Effort and Landing information available to the permit holders who submitted it and those authorised by the permit holder to access this information on their behalf. While fishers provide information to four decimal places for location, information to permit holders will only be released to one decimal place unless specific authorisation by the fisher is provided.

Information available to the public

Each request for information must be assessed against our obligations under the OIA and/or the Privacy Act. These obligations include considering: the request on its own merits, the public interest in the information, and whether the information may already be in the public domain. Each case must be assessed individually to determine whether any of the information requested should be released or withheld according to the grounds in the OIA and / or PA.

For example, the information contained in these returns might 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 may 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 to disclose it.

Continued on next page

Catch, Effort and Landing Information *(continued)*

Information available to the public *(continued)*

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

- ♦ 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, nor 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 Team Manager – Fisheries Data Management must assess the request (Refer to Appendix B for circumstances where more sensitive information may be considered for release). Information proposed for release to an external person or organisation also requires review and approval from the Team Manager – Fisheries Data Management or the Manager Fisheries Science 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
- ♦ dates to a greater accuracy than 1 month.

Contacts for assistance

Any external requests/queries should be directed to the Team Manager – Fisheries Data Management; RDM@mpi.govt.nz

Charges

As specified in the research contract or in accordance with OIA guidelines. Further charging information are stated in the [Ministry of Justice charging guidelines](#).

Geospatial Position Reporting Information

Introduction This section covers geospatial position information that is required by the Fisheries (Geospatial Position Reporting) Regulations 2017. Raw data is stored in MPI's Operational Data Store.

This information is not required to be made publically available under the Act and as such any release or withholding considerations must be made under the OIA and/or PA.

Information available to the public Each request for information must be assessed against our obligations under the OIA and/or the Privacy Act. These obligations include considering: the request on its own merits, the public interest in the information, and whether the information may already be in the public domain. Each case must be assessed individually to determine whether any of the information requested should be released or withheld according to the grounds in the OIA and / or PA.

For example, information contained in these returns may 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 vessel operator who supplied it.

Information may 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 to disclose it.

However, access to some geospatial position information may also be released to an external person or organisation if it is summarised and or anonymised:

- ♦ location data is truncated to 1 degree of accuracy;
- ♦ date and time data are truncated to month and year;
- ♦ no individual vessel, person, organisation identifying information, nor attribute is released (including vessel_key or perorg_key); and
- ♦ no month and 1 degree strata has less than 3 vessels or persons, or organisations present.

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Geospatial Position Reporting Information *(continued)*

Information available to the public *(continued)*

Where requests for geospatial positioning information are possibly of a sensitive or highly sensitive nature, the Team Manager – Fisheries Data Management must assess the request (Refer to Appendix B for circumstances where more sensitive information may be considered for release). Information proposed for release to an external person or organisation also requires review and approval from the Team Manager – Fisheries Data Management or the Manager Fisheries Science 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.
-

Contacts for assistance

Any external requests/queries should be directed to the Team Manager – Fisheries Data Management; RDM@mpi.govt.nz

Charges

As specified in the research contract or in accordance with OIA guidelines. Further charging information are specified in the [Ministry of Justice charging guidelines](#).

Scientific Observer Information

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

This information is not required to be made publically available under the Act and as such any release or withholding considerations must be made under the OIA and/or PA.

Information available to the public Observer data is considered by MPI 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 MPI to collect scientific observer data.

Each request for information must be assessed against our obligations under the OIA and/or the Privacy Act. These obligations include considering: the request on its own merits, the public interest in the information, and whether the information may already be in the public domain. Each case must be assessed individually to determine whether any of the information requested should be released or withheld according to the grounds in the OIA and / or PA.

Observer information might, for example, be withheld under the following provisions of the OIA:

- ♦ 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
- ♦ section 9(2)(b)(ii) where 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.

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

- ♦ 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, nor 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.

Scientific Observer Information *(continued)*

Information available to the public *(continued)*

Where requests for scientific observer information are possibly of a sensitive or highly sensitive nature, the Team Manager – Fisheries Data Management must assess the case (Refer to Appendix B for circumstances where more sensitive information may be considered for release). Information proposed for release to an external person or organisation also requires review and approval from the Team Manager – Fisheries Data Management or the Manager Fisheries Science 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.
-

Contacts for assistance

Any external or internal requests/queries should be directed to the Team Manager – Fisheries Data Management ; RDM@mpi.govt.nz

Charges

As specified in the research contract or in accordance with OIA guidelines refer for charging information to: [Ministry of Justice charging guidelines](#).

The National Institute of Water and Atmospheric research (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.

Research Information

Introduction

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

This information is not required to be made publically available under the Act and as such any release or withholding considerations must be made under the OIA or PA and if required in consultation with the information and data supplier. MPI's confidential contract obligations must be considered before any decision is made to release or withhold information.

Information available to the public

Each case must be assessed individually to determine whether any of the information requested may be released or withheld under the OIA and/or PA. Subject to any contractual obligations MPI may have research information may be 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. This information will be subject to OIA and/or PA considerations for release or withholding research data.

Where requests for research information are possibly of a sensitive or highly sensitive nature, the Team Manager – Fisheries Data Management must assess the request (Refer to Appendix B for circumstances where more sensitive information may be released). Information proposed for release to an external person or organisation also requires review and approval from the Team Manager – Fisheries Data Management or the Manager Fisheries Science 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.
-

Contacts for assistance

Any external or internal requests/queries should be directed to the Team Manager – Fisheries Data Management ; RDM@mpi.govt.nz

Charges

The appropriate charge will need to be discussed with the relevant agency. Charges (if any) must be for the provision of information in accordance with OIA guidelines. For further charging information refer to: [Ministry of Justice charging guidelines](#).

Customary Fishing Data

Customary Fishing Data

Regulation 15 of both the Fisheries (Kaimoana Customary Fishing) Regulations 1998 (the Kaimoana Regulations), the Fisheries (South Island Customary Fishing) Regulations 1999 (South Island Regulations), the Waikato-Tainui (Waikato River Fisheries) Regulations 2011 and the Te Arawa Lakes (Fisheries) Regulations 2006 (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 MPI.

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

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.

MPI does also hold information from regulations 50 and 51 of the Fisheries (Amateur Fishing) Regulations 2013 (Amateur Regulations). Those regulations allow for customary permits to be issued for the purpose of hui or tangi in areas outside of the Kaimoana and South Island regulation gazetted areas. There is no requirement under the Amateur Regulations for those issuing permits to provide copies to MPI. However some permits in different areas of the country are often retrieved by Ministry officials. These permits are entered into the same database as the Kaimoana and South Island customary records.

This information is not required to be made publically available under the Act and as such any release or withholding considerations must be made under the OIA and/or PA.

Information not available

Each request for information provided under the Customary and Amateur 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 regulations may be withheld to protect information which a person has been compelled to provide under 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 or withhold any information is made.

Continued on next page

Customary Fishing Data *(continued)*

Contact If you have any queries, contact the Team Manager Customary Fisheries.

Charges Charges (if any) must be for the provision of information in accordance with OIA guidelines. However, there is no charge for Tāngata Whenua or Tangata Tiaki/Kaitiaki seeking information they have supplied. For further charging information refer to: [Ministry of Justice charging guidelines](#).

Data Matching - Combinations of Data

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

This information is not required to be made publically available under the Fisheries Act and as such any release or withholding considerations must be made under the OIA and/or PA.

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

Consideration can be given as to whether any of the grounds for releasing or withholding information in the [Official Information Act 1982](#) and/or PA apply to the combined data request. In general, if individually, both sets of data can be disclosed in accordance with this guideline, 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.

Staff should consult with legal or privacy teams as appropriate, where the data matched or results of analytics performed on the data include the following;

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

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.
For further charging information refer to: [Ministry of Justice charging guidelines](#).

Appendix A

Purpose

The purpose of Appendix A is to detail all the information contained on the public registers within MPI 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 A (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 A *(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 A (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 A (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 A *(continued)*

Public register information *(continued)*

- The type of caveat being imposed
- 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)

Holding information

- ◆ All annual catch entitlement held by any person at any time
 - The total amount of annual catch entitlement that is allocated under section 67 (normal ACE) or section 67A (underfishing ACE),
 - 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—
 - The time and date of the registration of the resulting transfer to the Crown of the annual catch entitlement
 - 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
 - The nature of the correction
 - 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 2017); or

Continued on next page

Appendix A *(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 A *(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
 - Legal name
 - Postal address
 - Email address
 - Client number
- ♦ For each notified user (section 104) and authorised agent (section 103(2)(c) or 105(2)(c))
 - Legal name
 - Postal address
 - 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 A *(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
 - Flag state
 - Port of registry
- ♦ For foreign vessels licensed under section 83
 - Flag state
 - Port of registry
 - Whether the licence is suspended and the date it took effect
 - 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
 - Legal name
 - 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.)

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 A *(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 was 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:
 - Client number
 - Primary owner
 - Service address
 - Phone number
 - Sublease size
 - 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 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
 - Client number

Continued on next page

Appendix A *(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 A *(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

Continued on next page

Appendix A (continued)

Public register information (continued)

- The tonnage of quota transferred
- The date on which the transfer occurred or is to occur
- ◆ For every lease under section 28ZS of the Act
 - The name and address of the lessor and lessee
 - The tonnage of quota leased
 - 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 Fisheries Data Management 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 A *(continued)*

Information not on public registers *(continued)*

- ♦ ALC registration details
- ♦ Lloyds/IMO number
- ♦ Callsign
- ♦ MNZ number
- ♦ 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, RFMO 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
- ♦ Port prices

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 A *(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) (under the 1983 Act)

- ♦ 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 A *(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 MPI holds this register.

This register contains:

Client information

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

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 MPI staff and authorised law enforcement agencies	All MPI staff	Researchers conducting an approved project ¹ who have a confidentiality agreement with MPI	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 authorisation - refer (a) below	Yes
Vessel, person, or organisation name or ID data.	Yes	Yes	Requires authorisation - refer (a) below	Yes

Continued on next page

¹ An approved project is a project conducted on behalf of MPI (e.g. a MPI 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 Team Manager – Fisheries Data, in conjunction with the Science Manager, 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 B *(continued)*

Release of Sensitive Information *(continued)*

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

- (a) This information may be released to the researcher upon:
- receiving authorisation from the Team Manager – Fisheries Data Management ;
 - 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 MPI standard clauses regarding the release of sensitive or highly sensitive catch effort, geospatial vessel position, and observer information.