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Commercial Fisheries Data

Data use license for the Regional
Database (RDB) and Regional
Database and Estimation System
(RDBES)

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Definitions.

1. **Licensor** means the individual(s) or entity(ies) granting rights under this License.
2. **You** means the individual or entity exercising the Licensed Rights under this License.
3. **Licensed Rights** means the rights granted to You subject to the terms and conditions of this License
4. **Restricted Data** means data within the Database that is classified as not publicly accessible as determined by the data provider
5. **Public Data** means data within the Database that is classified as publicly accessible as determined by the data provider;
6. **Data provider** means the organization and/or individual that control/organizes the ownership access for the data
7. **Data owner** means the organization and/or individual that retains the ownership rights for the data
8. **Databases** means the data repository or data portal where the data reside, in this context:
 - a. Regional Database (RDB)
 - b. Regional Database & Estimation System (RDBES)
9. **ICES Advice Requester** means an organisation or country that has signed an agreement with ICES to provide management advice services;
10. The present Regional Database, and the new Regional Database and Estimation System are herein referred to as the **RDBES**.
11. The Regulation (EU) 2017/1004¹ is hereafter referred to as the **Data Collection Framework (DCF)**.
 - a. For the European Union Member States, the basis for data policy rules are the provisions of the DCF.
12. The database herein is a **regional database** as referred to in Article 18(1) of the DCF.
13. The DCF defines:
 - a. **Detailed data** as data based on primary data in a form that does not allow natural persons or legal entities to be identified directly or indirectly
 - b. **Aggregated data** as the output resulting from summarising the primary or detailed data for specific analytical purposes.

Scope

This license applies to anyone granted licensed rights to use restricted data uploaded into the databases.

¹ Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008 (recast)

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License grant

1. Data use for fisheries management:
 - a. Advice to Fisheries Management
 - i. Countries grant permission for aggregated data, see Annex 1, to be used by ICES in the provision of scientific advice to the European Commission and other ICES clients of scientific advice. A list of the ICES groups that require access to aggregated data will be provided to the RCG's and ACOM members by 31 Jan each year.
 - ii. EU Member States (MS) grant permission for detailed data to be used by the RCG's for the purposes of Article 9 of the DCF.
 - iii. An ICES entity on the approved list in (i), requiring detailed data from the RDBES, via the RDBES host can request access in writing to each country and EU MS². The EU MS will be obliged to respond within one month from the date of the request. If approval is given users of detailed data must sign the "Conditions for detailed RDBES data use" agreement.
 - iv. EU MS / ICES countries can choose to pre-approve access to detailed data for all EGs on the list in (i) – this approval must be given in writing to the RDBES host. This approval must be renewed by 31 Jan each year in writing to the RDBES host. Users of detailed data must sign the "Conditions for detailed RDBES data use" agreement.
2. Other uses
 - a. An entity requiring detailed or aggregated data from the RDBES, can request access in writing to each Country. The EU MS will be obliged to respond two months from the date of the request. If approval is given users of detailed data must sign the "Conditions for detailed RDBES data use" agreement.
3. For requests related to scientific publication, for EU MS Article 17(7) of the DCF applies.
4. Persons from the European Commission have full access to, or can receive, EU countries' data from the RDB/RDBES.

License Conditions.

- a) Correct and appropriate data interpretation is solely your responsibility.
- b) You must not expressly or otherwise imply ICES substantiation of their work, results, conclusions and/or recommendations.
- c) You are obliged to inform ICES of any suspected problems in the data.
- d) Data provided to you shall not be kept on your computer/database upon completion of the task related to the term of reference.
- e) You shall treat the data as confidential and the transmission or sharing of these data are not allowed
- f) Data can be shown in reports as described in Annex 1

² The focal point in EU MS being National Correspondents in consultation with individual countries or autonomous data providers within member states. For non EU countries the ICES delegate is considered the focal point.

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Attribution

These data should be cited as per guidance provided in the ICES Data Policy.

Disclaimer of Warranties and Limitation of Liability.

1. Unless otherwise separately undertaken by the Licensor, to the extent possible, the Licensor offers the Licensed Material as-is and as-available, and makes no representations or warranties of any kind concerning the Licensed Material, whether express, implied, statutory, or other. This includes, without limitation, warranties of title, merchantability, fitness for a particular purpose, non-infringement, absence of latent or other defects, accuracy, or the presence or absence of errors, whether or not known or discoverable. Where disclaimers of warranties are not allowed in full or in part, this disclaimer may not apply to You.
2. To the extent possible, in no event will the Licensor be liable to You on any legal theory (including, without limitation, negligence) or otherwise for any direct, special, indirect, incidental, consequential, punitive, exemplary, or other losses, costs, expenses, or damages arising out of this Public License or use of the Licensed Material, even if the Licensor has been advised of the possibility of such losses, costs, expenses, or damages. Where a limitation of liability is not allowed in full or in part, this limitation may not apply to You.
3. The disclaimer of warranties and limitation of liability provided above shall be interpreted in a manner that, to the extent possible, most closely approximates an absolute disclaimer and waiver of all liability.

Other Terms and Conditions.

1. For non-EU countries, the basis for data policy rules is in accordance with the limitations on data use specified by each country³.
2. According to the DCF, provision on access rights and time frame are described under Articles 17(1), 17(3) and 17(4).
3. The RDBES follows the principles of personal data protection, as referred to in Article 2 of the DCF.
4. Data ownership - the national data in RDBES is owned by the individual countries.
5. An inventory of data housed in the RDBES is available without restriction on the RDBES website.
6. According to Articles 14(1) of the DCF Member States are responsible for the quality and completeness of the primary data collected under national work plans, and for the detailed and aggregated data derived therefrom which are transmitted to end-users of scientific data. For non-EU countries, with reference to the ICES Data policy, data providers are responsible for the quality and completeness of data delivered to ICES.

³ In response to official data calls to the RDBES

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ANNEX 1 Use and Publication of data

Detailed and Aggregated data

According to the definitions in this Data Policy, which is taken from the EU Regulation 2017/1004, landing (CL) and effort data (CE) are considered aggregated data, and sample data (CS) are considered detailed data. The sample data (CS) will have to be aggregated to month and sub-division/unit to be considered aggregated.

Rules for use of data from the RDBES

Data shall be used only for the purposes of facilitating scientific advice, or other work specifically approved by the countries, and will be strictly related to the agreed terms of reference of the activity executed by the data user. Downloaded data shall be secured by appropriate safeguards, such as encryption and password protection of the computer on which it is held. Electronic data provided to the data user(s) shall not be kept on a user's computer/database upon completion of the task related to the term of reference. Data users shall treat the data as confidential and the transmission or sharing of these data are not allowed. Data users shall ensure that visualisations or data products derived from the data adhere to Annex 1 of the RDBES Data Policy. Users of detailed data must sign the "Conditions for detailed RDBES data use" agreement.

Showing data in public reports

General Rule

Sample data (CS), landing data (CL) and effort data (CE) can always be shown when data are disaggregated at the following level:

Year	Quarter	Species	Metier level 4-6	Area ⁴
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Landings (CL) and Efforts (CE) specific rules

The data that will be publicly available through the RCGs or ICES Expert Groups reports must be aggregated to at least the following highest resolution level.

In the overall data there in general must be more than two different units in each variable to be able to aggregate over the variables (e.g. to aggregate by country the data must include at least 2 different countries). When showing landings and/or effort data in a public report the highest resolution is determined by selecting at least 4 out of the 9 following variables. Only one option/figure can be shown to ensure conclusions cannot be drawn from a combination of several figures:

Vessel flag country	Year	Month	Species	Metier level 4-6	Vessel length category	Statistical rectangle	Landing Country	Harbour
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⁴ Subdivision or unit (FAO definition, <http://www.fao.org/fishery/area/Area27/en>)

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The following are some examples of this rule

Examples:

Landings data can be plotted by species, statistical rectangles and year when data are aggregated over country, month, metier level 4-6 and vessel length category.

Effort data can be plotted by metier level 4-6, statistical rectangles and year when data are aggregated over country, month and vessel length category and species.

If it is needed to publish data at higher resolution the relevant National Correspondents have to be asked for approval.

Sample (CS) specific rules

The data that will be public available through the RCGs or ICES Expert Groups reports should be aggregated to the same level as the landings data.

The CS data holds information (auxiliary variables and obtained data) from sampled trips. **It is not allowed to publish CS data in a report in such a way that the individual catches from a given trip are shown.**

Data need to be aggregated before shown in tables or figures. In this context data covers both the data in the CS and data derived from the CS data e.g. estimated discard.

In the overall data there in general must be more than three different samples in each variable to be able to aggregate over the variables. When showing sample data in a public report the highest resolution is determined by selecting at least 3 out of the 9 following variables, and only one option/figure can be shown to ensure conclusions cannot be drawn from a combination of several figures:

Vessel flag country	Year	Month	Species	Metier level 4-6	Vessel length category	Vessel size category	Vessel power category	Statistical rectangle
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The following are some examples of this rule

Sampling example:

Sampling data can be plotted by species, statistical rectangles and year only when data are aggregated over country, month, metier level 4-6, vessel length category, vessel size category, vessel power category.

Map Plotting

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Individual hauls (HH) holds information on the geographical positions from sampled fishing operations. It is sometimes valuable to show these positions (e.g. for QA purposes). If doing so only meta data or auxiliary variables can be used in the plots - never the result of the actual sampling. When plotting maps a *maximum* of three of the following variables can be used.

Vessel flag country	Year	Month	Species	Metier level 4-6	Vessel length category	Vessel size category	Vessel power category	Position
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This rule does not apply if the amount of data in the map is so sparse that individual vessels or trips might be identified. It is the responsibility of the data user to ensure that maps do not plot data that comes from a small number of vessels or trips.

Example: It is allowed to plot the positions of fishing operations by year, species and countries as long as metiers, vessel size category, vessel power category, vessel length category and month are left out. If the data user wanted to include metiers instead then one of the other variables (year, species or country) would need to be left out

If it is needed to publish data at higher resolution the relevant National Correspondent have to be asked for approval.

Individual fish

Individual fish (CA) holds information on measurement from individual fish. It is always acceptable to show these as individual measurements.

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ANNEX 2 Document History

When	Where	What	Why
3/12/2020	-	RDB Data Policy split into two separate documents: RDB Data License (this document) and RDB Data Governance.	ICES will have a single overall Data Policy to cover all data, with a number of Data Licenses specifying the usage conditions of specific data sets
3/12/2020	Section 2a	The date for publishing the list of pre-approved ICES WGs has been changed from “01 Dec” to “31 Jan”.	Practical reasons.
3/12/2020	Section 2a	The time limit for responding to requests from pre-approved ICES WGs for access to detailed data has been reduced from two months to one month to comply with the DCF recast.	Compliance with article 17(3) of the re-cast DCF.
3/12/2020	Section 2a	Added 3 sentences to explicitly state that users of detailed data must sign the “Conditions for detailed RDBES data use” agreement.	Clarification
3/12/2020	Annex 2	Aggregation rules for CE and CL data have been updated to include Harbour and Landing country variables.	Recommendation from the RCGs
3/12/2020	Annex 3	Added this table of changes as a separate Annex	To give detailed information on changes to the licence