



Accessing Federal Fisheries Data

“Data is absolutely critical, and if other organizations can’t access data, how can anybody assess whether or not DFO is making the proper decisions?”

— ENVIRONMENTALIST

PHOTO / Ecotrust Canada received statistics on BC’s groundfish catches with some of the data censored by DFO officials.

FISHERIES / More and more Canadians want information about the fish on their dinner plates. Yet Ottawa denies access to some scientific and socio-economic data on the state of our oceans. An Ecotrust Canada report chronicles the complaints, and suggests solutions.

In the Information Age, knowledge is power. Without access to information, journalists, environmentalists, independent scientists, fishermen, and ordinary citizens alike lose what’s at the heart of a healthy democracy: the ability to scrutinize the decisions made on their behalf, and to hold governments accountable. Nowhere is this more critical than the management of Canada’s oceans.

It’s no surprise, then, that the debate around access to fisheries data is heated. After all, the stakes go well beyond the health of the fish stocks themselves to fundamental issues of who controls and benefits from a public resource. It’s a debate not likely to go quiet any time soon, unless the Department of Fisheries

access to such data more open, transparent and timely.

That’s the central finding in a report titled *Fishing for Facts: Barriers to Accessing Federal Fisheries Data in British Columbia* by Ecotrust Canada researcher Danielle Edwards. “The report grew out of Ecotrust Canada’s practical experience trying to access and analyze fisheries data from the federal government,” said Edwards. “We actually received data tables of fish catches with some of the information purposely blanked out because of apparent privacy issues.”

The report is aimed at data users, First Nations, government officials, environmental groups, academics and industry representa-



Defining the terms

Ecotrust Canada's report, *Fishing for Facts: Barriers to Accessing Federal Fisheries Data in British Columbia*, deals strictly with federal fisheries catch data, and licensing and quota data in BC.

LICENSING AND QUOTA DATA is collected by DFO and includes information about who owns licences and quota, and ownership history.

CATCH DATA is collected from a range of sources, including fishermen's logbooks, onboard electronic video monitoring (see photos on adjacent page), sales slips, and dockside monitoring. The data is used to enforce catch limits and to monitor the health of fish populations. Catch data can also help identify areas where habitat could be harmed from bottom trawling or other gear impacts.

tives. Based on one-on-one interviews with these data users, the report reveals widespread ill will and frustration with the data access process. There seems to be no coherent policy or procedures governing access to fisheries data. As one interview participant put it: "DFO often turned down requests [for data], saying that they did not fall within their data-sharing policy. But when I asked for a copy of this policy, I was, after several back and forths, finally told that one did not exist."

And another: "My requests for data have often taken over a year of repeated reminders before getting responses, usually negative."



1

PUBLIC VERSUS PRIVATE INTERESTS
At issue is the government's refusal to release data under the Access to Information Act, the main legislation regulating what officials must make public. Because fisheries data is often about or collected from individual fishermen, DFO is restricted under the Act to release this so-called "third party information" if it is considered a "trade secret," "confidential" or information whose disclosure could cause "material financial loss or gain" or "prejudice the competitive position" of a fisherman. The government also can't release personal information protected under the Privacy Act.

But what constitutes a "trade secret" for a fisherman? Is a favourite fishing ground a "trade secret?" Should a fisherman's daily or annual catch be considered "confidential?" What about the public's right to know about who is harvesting and benefiting from a public resource? Shouldn't independent scientists or environmentalists be allowed to scrutinize by-catch or fish stock levels in local areas?

The Act, in fact, also protects the public

interest and right to know. The government can release third-party information, according to the Act, "if that disclosure would be in the public interest as it relates to public health, public safety or protection of the environment and, if the public interest in disclosure clearly outweighs in importance any financial loss or gain" or other commercial interests of fishermen.

Despite the legislation's clarity, DFO has not developed a coherent policy on which types of data collected from fishermen are of a proprietary nature and therefore cannot be released publicly. DFO has also not formulated any criteria for weighing, as the Act clearly

states, the public interest and a fisherman's privacy and commercial interests.

"I find it disturbing that most DFO data managers I have spoken to are not even aware of this paragraph 6 in the Act [regarding the public interest]," stated one scientist.

FROM DATA TABLES TO DINNER PLATES
Global overfishing, local fish stock collapse, species extinction and habitat destruction from industrial fishing practices have the world concerned about the sustainability of the seafood on their dinner plates. Consumers are growing ever more curious—and conscientious—about what they eat.

The importance of sustainable fisheries is unquestioned; so too is the need to involve diverse interests in fisheries decision-making. Yet it's impossible to have open, transparent, inclusive management without having access to the data on which decisions are made.

In other words, governments can't be held accountable; management can't be improved through meaningful stakeholder involvement; and, inevitably, public (and consumer)

confidence in the seafood sector is lost.

The public is demanding more transparency from their governments and industry. Growing numbers of people want access to information—on the Internet, in the media, even on menus. In fact, DFO itself is launching a program to trace seafood “from ocean to plate,” giving consumers what DFO claims will be accurate and timely information on the seafood they eat. This type of traceability system will create mounting pressure on DFO to release more detailed fisheries data in the future—in direct contrast to its current restrictive practices. If this doesn’t change, conflict

said they were denied access to data because it would be in violation of departmental policy or federal privacy laws. A significant number said there should be absolutely no restrictions on fisheries data, regardless of the type of data. Others, particularly some fishermen and scientists, believed that some level of restricted access was justified to protect the commercial interests or privacy of fishermen or to keep raw data from being misinterpreted.

The problem is that there isn’t any clear policy on data access, and the rules governing privacy and confidentiality are applied inconsistently. Respondents identified either

“My requests for data have often taken over a year of repeated reminders before getting responses, usually negative.”

INDEPENDENT SCIENTIST



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over data access will only deepen in the coming years. That, in turn, will further erode consumer confidence in BC seafood and heighten conflict among stakeholders and officials—a detriment to business and the environment.

Many fishermen, concerned about conservation and their long-term viability, also want access to detailed spatial data on where fish are caught in order to avoid areas with sensitive habitat or large schools of by-catch. Transparency can also help fishermen apply peer pressure to their colleagues whose fishing practices jeopardize conservation.

TAKING STOCK OF THE ISSUE

Interviews with 20 data users—including environmentalists, industry representatives, independent scientists, First Nations and academics—found widespread and systemic problems in accessing socio-economic and scientific data from DFO.

Most respondents interviewed were dissatisfied with their access to data, especially if the data was perceived to be private or confidential. Several respondents

the lack of transparency in DFO’s policy as a source of frustration, or confusion around what the policy is and the rationale behind it. One respondent, who was working simultaneously in BC and the Maritimes, was “floored” by the significant discrepancy in data access between the coasts with the Pacific region being far more restrictive than the East Coast.

Another respondent from an environmental group was more blunt: “DFO’s data-sharing... is piecemeal, inconsistent, appears to favour certain sectors...and is not transparent or accountable.”

Respondents remarked repeatedly that a past or present working relationship with a DFO official expedited data requests. An interviewee working for First Nations said, “You don’t go very far forward without collaboration [with DFO]; it works when you are willing to take the time to develop a relationship.”

Such relationships appear to overcome even the thorny confidentiality issue. One industry representative said he is able to get catch data “right down to the actual pounds of fish caught for each area group for each vessel, no prob-

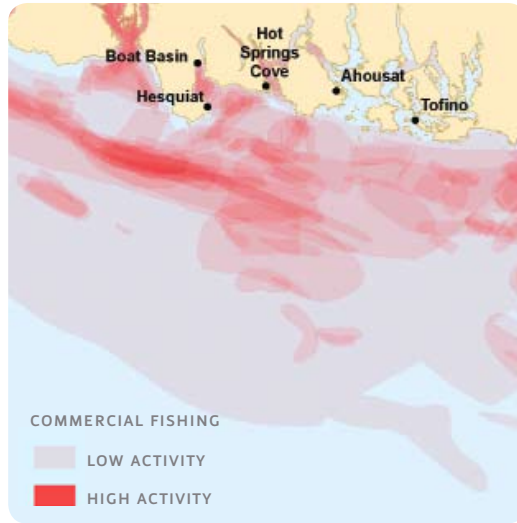
“I’m very wary of the accuracy of the data.”

FISHERIES CONSULTANT

PHOTOS 1 / Fishing vessels in Nanaimo Harbour. 2 / All BC commercial groundfish vessels have digital video cameras on board. 3 / Video cameras electronically monitor fishermen landing their catch. 4 / The video is recorded on an onboard computer and used to enforce strict catch limits.

MORE ►

MAP / Thirty-six commercial fishermen volunteered information about where they catch fish so Ecotrust Canada cartographers could map fishing activity on the West Coast of Vancouver Island. DFO, under its current rules, does not release such detailed data to the public.



report, is critical. The report outlines three steps that need to be taken by DFO to create a more coherent and consistent policy which, in turn, will bolster transparency and trust in its decision making.

First, DFO needs to convene a multi-stakeholder Policy Advisory Board to address the current policy vacuum as it relates to the ownership, cost recovery, collection and public access to fisheries data. Second, the principles of accountability and transparency that exist within the legislation must be implemented consistently. And third, DFO needs to standardize and streamline its data access process given the litany of complaints about data quality. DFO should better employ user-friendly Internet technology to make data publicly available in a timely and cost-effective way. These simple measures could help rebuild public confidence in fisheries management and begin to build a transparent system that allows consumers to trace sustainable seafood products from sea to supermarket.

Access to information is fundamental to both democracy and market economies. Citizens rightfully demand to know who is benefiting from public resources, and how they are being conserved. Consumers, too, want to know about what they are buying and eating. It's more important than ever that DFO implement a clear policy that weighs the public interest with the legitimate privacy rights and commercial interests of fishermen.

ONLINE RESOURCES
 OFFICE OF THE INFORMATION COMMISSIONER / www.infocom.gc.ca
 DFO STATISTICAL SERVICES / www.dfo-mpo.gc.ca/communic/statistics

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Report card

The Office of the Information Commissioner has been proactively grading the performance of government departments in respecting the Access to Information Act. The grade is based on the percentage of access requests it answers late. The Department of Fisheries and Oceans's report card is very spotty.

YEAR	GRADE
2006	B
2005	C
2004	B
2003	A
2002	A
2001	F
2000	F

lem, as long as I don't give it to anyone and keep it confidential."

Having a trusted contact inside DFO, however, implies an alignment of interests not easily achieved in an often adversarial industry. Outspoken individuals or those critical of DFO, according to one respondent, find it more difficult to access data.

Concerns were also expressed about the timeliness and quality of the data that DFO gives out. Most respondents felt that data requested through the DFO's Regional Data Unit took far too long to arrive. The time between initial request and data receipt ranged from a few weeks to more than a year. One industry representative described the experience as "not effective and very frustrating."

Respondents also noted that data were frequently fraught with errors: improper documentation, incorrect measurement units, or flawed numbers. "I have often found errors in data when you compare it to other data sources," said one fisheries consultant. "That happens 25 percent of the time. I'm very wary of the accuracy of the data."

A POLICY SEA CHANGE

DFO needs to develop a consistent data access policy and implement it fairly for all interests. That, according to those interviewed for this



building the conservation economy

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