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## Title 50 —Wildlife and Fisheries

### Chapter VI —Fishery Conservation and Management, National Oceanic and Atmospheric Administration, Department of Commerce

#### Part 600 —Magnuson-Stevens Act Provisions

##### Subpart E —Confidentiality of Information

**Source:** 89 FR 102013, Dec. 17, 2024, unless otherwise noted.

**Authority:** 5 U.S.C. 561 and 16 U.S.C. 1801 et seq.

**Source:** 61 FR 32540, June 24, 1996, unless otherwise noted.

**Editorial Note:** Nomenclature changes to part 600 appear at 90 FR 38003, Aug. 7, 2025.

#### § 600.415 Access to confidential information.

Confidential information may be accessed by the following persons subject to any specified conditions and procedures:

(a) **Federal employees.**

- (1) Responsible for fishery management plan (FMP) development, monitoring, or enforcement, including persons that need access to confidential information to perform functions authorized under a Federal contract, cooperative agreement, or grant awarded by NOAA/NMFS;
- (2) At the request of another Federal agency, if providing the information supports homeland security and national security activities, including the Coast Guard's homeland security missions as defined in section 888(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 468(a)(2)); or,
- (3) To the extent necessary and appropriate to administer Federal programs established to combat illegal, unreported, or unregulated fishing or forced labor (as such terms are defined in section 11329 of the Don Young Coast Guard Authorization Act of 2022 [16 U.S.C. 1885a note]), which shall not include an authorization for such agencies to release data to the public unless such release is related to enforcement.

(b) **State or marine fisheries commission employees.** As necessary to further the mission of the Department of Commerce, subject to an agreement with NMFS that prohibits public disclosure of confidential information;

(c) **State enforcement personnel.** State employees who are responsible for enforcing FMPs, provided that the state for which the employee works has entered into a Joint Enforcement Agreement with NOAA and the agreement is in effect;

(d) **Councils.** A Council may, through its Executive Director, request access for the following:

- (1) The Council's employees who are responsible for FMP development and monitoring;
- (2) Members of the Council for use by the Council for conservation and management, but only if NMFS determines that access will not result in any Member having a personal or competitive advantage;

- (3) Members of any Council scientific and statistical committee (SSC) established under section 302(g) of the Magnuson-Stevens Act who are not Federal or State employees, if necessary for the SSC to assist and advise the Council as provided under the Magnuson-Stevens Act, but only if NMFS determines that access will not result in any Member having a personal or competitive advantage;
  - (4) Members of any Council advisory panel (AP) established under section 302(g) of the Magnuson-Stevens Act, if necessary for the AP to provide information and recommendations on, and assist in the development of FMPs and amendments thereto, but only if NMFS determines that access will not result in any Member having a personal or competitive advantage;
  - (5) A contractor of the Council for use in such analysis or studies necessary for conservation and management purposes but only if approved by NMFS and subject to a confidentiality agreement; and
- (e) **Vessel Monitoring System Information.** Nothing in these regulations contravenes section 311(i) of the Magnuson-Stevens Act which requires the Secretary to make vessel monitoring system information directly available to the following:
- (1) Enforcement employees of a State with which NMFS has entered into a Joint Enforcement Agreement and the agreement is in effect;
  - (2) State management agencies involved in, or affected by, management of a fishery if the State has entered into an agreement with NMFS that prohibits public disclosure of the information.
- (f) **High Seas Driftnet Fishing Moratorium Protection Act (FMPA).**
- (1) For purposes of sections 608(b) and 606(d)(2) of the FMPA (16 U.S.C. 1826i(b) and 1826g(d)(2)), international fishery agreement has the same meaning as international fishery management agreement at 50 CFR 300.201.
  - (2) NMFS may disclose information, as authorized under, and subject to the requirements and conditions of, section 608(b) or 606(d)(2) of the FMPA to entities specified in those sections.
  - (3) For purposes of applying section 608(b) and 606(d)(2), the confidentiality requirements of section 402(b) of the Magnuson-Stevens Act, 16 U.S.C. 1881a(b), shall not apply with respect to:
    - (i) Obligations of the United States to share information under a Regional Fishery Management Organization (RFMO) of which the United States is a Member; or
    - (ii) Information collected by NMFS regarding foreign fishing vessels.