

## **PORT STATE CONTROL COMMITTEE INSTRUCTION 53/2020/04P**

### **Paris MoU Policy for Information and Documents<sup>\*)</sup>**

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#### **Introduction**

- 1 Goals and purpose  
This document is providing the details of the data access policy, agreed by the Committee, as referred to under section 5.2 of the MoU text relating to the provision of information.
- 2 Application  
There is a clear distinction between data and documents that are considered internal or public. The (co-operating) Member States, European Commission/EMSA, Information system manager and the Secretariat need to inform their staff what the status of the information is.

**Table I**

|                                  | <i>Inspection data</i>   | <i>PMOU documents</i>  |
|----------------------------------|--|--|
| <i>Internal /<br/>Restricted</i> | <p>I</p> <p><b>Category I</b><br/>Data contained in the Paris MOU Information system and the “restricted” data file are for the sole use of individual PSCOs and/or PSC Administrations. The release or circulation of this data to 3<sup>rd</sup> parties is <b>not permitted</b></p> | <p>II</p> <p><b>Category II</b><br/>Documents are solely for the use of the PSCO and / or PSC Administrations. The release or circulation of these documents to 3<sup>rd</sup> parties, in paper or electronically, is <b>not permitted</b>.</p> |
| <i>Public /<br/>Unrestricted</i> | <p>III</p> <p><b>Category III</b><br/>Data listed on or accessible through the Public website is freely accessible. /</p>  | <p>IV</p> <p><b>Category IV</b><br/>Documents available on the public website are freely accessible.</p>   |

- 3 Relevant documentation  
All data and documents of the Paris MoU are considered Internal / Restricted or Public / Unrestricted according to the distinctions made in table I above.
- 4 Definitions and abbreviations  
The PSC Instruction containing “Definitions and Abbreviations” serves as general document and is to be used in conjunction with this Paris MoU document.

### **Category I – Inspection data restricted**

- 5 This category contains the data extracted from the Paris MoU Information system, which is for the sole use of individual PSCOs and/or PSC Administrations, co-operating members, the Secretariat and the European Commission/EMSA.
- 6 Examples
  - .1 unvalidated PSC inspection reports
  - .2 personal details of the PSC officer linked to any inspection
  - .3 hyperlinks in the information system, some of which are protected by copyright
  - .4 access to different levels within the Information system
  - .5 access to and any extract from Jasper
  - .6 data contained in the ‘restricted’ data file, in excess of the ‘public’ data file
- 7 Data (export) for member States
  - .1 Member States of the Paris MoU are the owners of their data and therefore of the derived statistics.
  - .2 Access to data in THETIS and statistical modules therein is regulated through the Agreement between the Paris MoU and the information system manager. Similarly, the availability of data-exports for member States is provided for in the Agreement
  - .3 The member States should safeguard the overarching principles by allowing access to the various data interrogation tools to selected individuals only.
  - .4 Member States should also provide guidance regarding creation and publication of Paris MoU statistics, and separately on the technical and scientific limitations of interrogation tools in general.
  - .5 The following general guidelines should be used by member States when requests for access to data-exports or analytical tools are considered:
    - 1 All users granted access to data-exports and or analytical tools shall be operating under the authority of the National PSC coordinator or Secretary General of the Paris MoU.
    - 2 The user shall have appropriate knowledge of the procedures of the Paris MoU.
    - 3 The user shall have appropriate understanding of data and data treatment.
    - 4 The date of extract should always be mentioned in footnotes to graphs and tables.
    - 5 In case of doubt or interpretation, data stored in THETIS shall always prevail.
    - 6 The Secretariat will prepare the annual report of the Paris MoU, including Flag and RO Performance tables for adoption at PSCC.
    - 7 EMSA will prepare the annual Fair Share and company performance calculation for adoption at PSCC.
    - 8 The company performance will only be based on data stored in THETIS in line with the pertaining business rules.
  - .6 Any member State is free to analyse its national data keeping in mind any national legislation regarding freedom of information.

### **Category II – PMOU documents restricted**

- 8 The majority of the documents in this category should be considered as the ‘working’ documents of the Paris MoU, which are for sole use of individual PSCO and/or PSC Administrations, co-operating members, observers, the Secretariat and the European

Commission/EMSA. These documents provide detailed guidance related to the working practices of PSC inspections. Publication of these documents could compromise effective and efficient execution of PSC inspections. Under no circumstances should these documents be made public.

9 Examples

- .1 PSCInstructions(unless exempted under Category IV)
- .2 PSCirculars (unless exempted under Category IV)
- .3 PSCO Manual
- .4 Quality Manual of Paris MoU Secretariat
- .5 Jasper User guide
- .6 PSCC/MAB/TEG Meeting and Training documents and reports
- .7 CIC Guidelines and Annex II of the CIC Reports (in standard format)
- .8 Review Panel cases
- .9 Master Set of codes agreed by Coding Steering Board

- 10 Documents in this category should be labelled as such in the footer of the document, reading "*Paris MoU Confidential*". The Authorities undertake not to release or circulate these documents in any shape or form to 3<sup>rd</sup> parties unless directed to do so by a Court or by a legal administrative process in that State such as Freedom of Information requests, in accordance with its national laws.

**Category III – Inspection data unrestricted**

- 11 This category consists mainly of the inspection data that can be selected through the data search facilities from THETIS, available on the public area of the Paris MoU website. These options allow getting information on the inspections carried out on ships fulfilling different criteria, as well as lists of banned and current detained ships. The "public" data file could also be made available on the public area of the Paris MoU website. Access to the "public" data file should only be granted upon registration and agreement to the disclaimer restricting the Paris MoU liability.

12 Examples

- .1 Inspections information obtained via the Inspection Search Facility provided on the Paris MoU website.
- .2 Listing of current detentions
- .3 Listing of banned ships
- .4 Monthly detention lists
- .5 Inspection results, KPIs & Deficiencies
- .6 Data contained in the "Public" data file

**Category IV – PMoU documents unrestricted**

- 13 These documents are public and available at any time. The documents may be released and circulated and are published in the public area of the Paris MoU website.

14 Examples

- .1 Memorandum text
- .2 Annual Report
- .3 Press releases
- .4 PSCC Instructions (only when decided on a case-by-case basis by the Paris MoU Committee)
- .5 PSCirculars (only when decided on a case-by-case basis by the Paris MoU Committee or MAB)
- .6 CIC inspection questionnaire
- .7 CIC reports (in standard format) without Annex II

- .8 Strategic Plan Paris MoU
- .9 THETIS Deficiency code list

### Category V – Exemptions for restricted information

- 15 In certain situations, restricted data and documents under categories I and II could be made public, but the decision should be taken on a case-by-case basis. This decision can only be taken by the PSC Committee or MAB based on the importance and urgency of the decision. The Secretariat/Information system manager should only make the information available upon explicit permission granted by PSCC/MAB as recorded in the relevant meeting report.
- 16 Examples
- .1 Requests for data/documentation for scientific or academic purposes by 3<sup>rd</sup> parties
- 17 Data (export) for 3<sup>rd</sup> parties  
The following general guidelines should be used when these requests are considered:
- .1 the requesting party should agree in writing that:
    - .1 no data shall be released, which is intended to be used subsequently by any receiver in any commercial manner and/or to make the data files available to any other 3<sup>rd</sup> parties, nor when it is intended to be used for production of statistics for the purpose of publication.
    - .2 the Secretariat would have no responsibility for the accuracy of the data. Specifically the Paris MOU makes no claims, promises or guarantees for the accuracy, completeness or adequacy of the data, and expressly disclaims liability for errors and omissions in the content of the data.
    - .3 the source of the data used should be acknowledged.
    - .4 filtering of Paris MoU data should be clearly indicated.
  - .2 there would be no cost to the Paris MOU.
  - .3 the extent of the data provided would be decided by PSCC/MAB and detailed in Annex 1 of the agreement, but would in no case be more extensive than the items listed in Annex 4 of the Paris MOU text. The Paris MoU data is always delivered in the context of inspection reports and this context should not be mixed or merged with information from other sources by the receivers.
  - .4 PSCC/MAB should take a view on each application and be guided by the above and the proposal put forward by the organisation to show that the data would be used to improve safety and reduce pollution.

**All member States are advised to provide the Secretariat with a document that states the relationship between the current national legislation and the “Paris MoU Information Accessibility Policy for Information and Documents.**

- 18 All these guidelines have to be measured against the existing “freedom of information”- rules that have been incorporated into the law of member states. In such cases, national law will take precedence.
- 19 In addition, member states are requested to inform MAB/PSC Committee when they are requested to publish data, documents or information that are considered ‘internal/restricted’ under these guidelines.