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Recommendation Amending Appendix 1 to Annex IX of the NEAFC Scheme of Control and Enforcement on Confidential Treatment of Electronic Data

The Commission hereby adopts the following recommendation pursuant to Article 8 of the Convention

Appendix 1 to Annex IX - Confidential treatment of electronic data

1. Field of application
The provisions of this Appendix shall apply to all electronically transmitted documents, reports, messages and forms, transmitted and received pursuant to the provisions of the Scheme, hereinafter referred to as electronic data.

2. General Provisions
2.1 The Secretary and the appropriate authorities of Contracting Parties shall, when transmitting and receiving electronic data, take the necessary measures to comply with the confidentiality provisions set out in article 3 of this Appendix and with the security provisions set out in Recommendations approved by the Commission.

2.2 Each Contracting Party shall guarantee the Secretary the right to obtain the cancellation or correction of electronic data that does not comply with the provisions of the Scheme.

2.3 Notwithstanding the provisions of Article 14(3) of the Scheme, the Commission may instruct the Secretary not to make available to a Contracting Party any electronic data received, where it is established that the Contracting Party in question has not complied with the confidentiality provisions of this Appendix or to the security provisions of Recommendations approved by the Commission.

2.4 The Secretary and the Contracting Parties shall regularly seek advice from the Advisory Group on Data Communication regarding reviewing and amending the provision of this Appendix.

3. Provisions on Confidentiality

3.1 Electronic data shall be used only for the purposes stipulated in the Scheme, including Articles 11, 12, 13, 14 and 17. No electronic data transmitted or received pursuant to the provisions of the Scheme shall be kept in a computer database at the Secretariat unless explicitly provided for in the Scheme or in a Recommendation approved by the Commission.

3.2 Contracting Parties shall ensure that all electronic data received from the Secretary shall be treated in a confidential manner in accordance with provisions of the Scheme and Recommendations approved by the Commission.

3.3 The Secretary shall store all electronic data received in order to enable the utilisation of historical data. The Secretary shall only transmit electronic data in accordance with the provisions of the Scheme, or as explicitly instructed by the Commission.
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3.4 Inspecting Contracting Parties may retain and store electronic data transmitted by the Secretary pursuant to provisions of the Scheme in a confidential manner for the purpose of risk analyses and assessments.

3.5 All transmission of electronic data pursuant to the provisions of the Scheme shall use data communication systems duly tested by the Contracting Parties and the Secretariat and the use of which has been approved by the Commission.