

**National Oceanic and Atmospheric Administration**  
**National Marine Fisheries Service, Northwest Fisheries Science Center**  
**Nondisclosure Certification for Confidential Data**

By signing below, I certify that I have read and agree to the following terms:

- I have read the National Oceanic and Atmospheric Administration (NOAA) Administrative Order 216-100 (NAO 216-100) on Protection of Confidential Fisheries Statistics and I understand that section 402(b) of the Magnuson-Stevens Act Reauthorization of 2006 (MSA) requires that any information a person submits in compliance with the MSA and any observer information be maintained as confidential. Where NAO 216-100 is inconsistent with those requirements, it does not apply.
- I will not disclose any data identified as MSA confidential information to any unauthorized person(s), except as directed by NOAA, National Marine Fisheries Service (NMFS), Northwest Fisheries Science Center.
- I understand that I have a continuing obligation to maintain the confidentiality of any data identified as MSA confidential data even upon termination of access to such data.
- When using computers and data, I agree to uphold the NOAA's security provisions, including NAO-212-13, for preserving the safety and integrity of the systems accessed and protecting against misuse or destruction of the computer systems and data being accessed.
- I agree to abide by the DOC Privacy Act, Personally Identifiable Information (PII), and Business Identifiable Information (BII) Breach Notification Plan in terms of reporting unauthorized disclosure, misuse, or other violation of the confidentiality of such data.
- I am fully aware of the civil and criminal penalties for unauthorized disclosure, misuse, or other violation of the confidentiality of such data. I understand that I may be subject to criminal and civil penalties under Federal law, including, but not limited to the provisions of the Privacy Act of 1974 (5 U.S.C. 552a), the Trade Secrets Act (18 U.S.C. 1905), and section 402(b) of the MSA (16 U.S.C. 402).
- I will not publish data or reports that I have received in response to a data request without permission from a designated NMFS official. I will use the threshold rule of three (where the minimum number of contributors to any cell or data point is three) when publishing such data. For clarification on this rule, I will confer with the designated NMFS official.

**Notifications:**

As required by 5 U.S.C. § 2302(b)(13) and the annual Appropriations Act, these provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General or the Office of Special Counsel of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling. This agreement shall not be construed to prohibit or restrict an employee or applicant for employment from disclosing to Congress,

the Special Counsel, the Inspector General of an agency, or any other agency component responsible for internal investigation or review any information that relates to any violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or any other whistleblower protection. Your Signature on this form acknowledges you have been notified and are aware of this provision.

NOAA/NMFS monitors all usage of electronic mail, internet activities, and data retrieval under the jurisdiction of the Federal Government. There are severe penalties for the misuse of these resources. Your Signature on this form acknowledges you have been notified and are aware of this monitoring.

**Receiver(s) of Data**

Affiliation (check one):

- ☐ NMFS   ☐ Other Federal (specify): \_\_\_\_\_  
☐ State   ☐ Council Staff   ☐ Council Member   ☐ Contractor   ☐ Grantee   ☐ Observer  
☐ Other (specify): \_\_\_\_\_

_____ Printed Name	_____ Signature	_____ Date
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**Designated NMFS Official**

_____ Printed Name	_____ Signature	_____ Date
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