Standard Operating Procedure (SOP) #18

Sensitive Information Procedures

Version 1.01 (July 29, 2021)

Change History

New Version #	Revision Date	Author	Changes Made	Reason for Change	Previous Version #
1.01	7/29/2021	Kelly Kozar, Kim Weisenborn	Updates to general instructions. Added information about protected data memos. Updated external links.	To accurately reflect the metadata procedures. To update outdated external links, add new guidance in park protected data memos.	1.0

Only changes in this specific SOP will be logged here. Version numbers increase incrementally by hundredths (e.g., version 1.01, version 1.02) for minor changes. Major revisions should be designated with the next whole number (e.g., version 2.0, 3.0, 4.0). Record the previous version number, date of revision, author of the revision, changes made, and reason for the change along with the new version number.

Purpose

This SOP describes the procedures for dealing with sensitive data for the Pacific Island Network (PACN) Established Invasive Plant Species (EIPS) Monitoring Protocol.

Although it is the general NPS policy to share information widely, the NPS also realizes that providing information about the location of park resources may sometimes place those resources at risk of harm, theft, or destruction. This can occur, for example, with regard to caves, archeological sites, tribal information, and rare plant and animal species. Therefore, information will be withheld when the NPS foresees that disclosure would be harmful to an interest protected by an exemption under the Freedom of Information Act (FOIA). The National Parks Omnibus Management Act, Section 207, 16 U.S.C. 5937, is interpreted to prohibit the release of information regarding the "nature or specific location" of certain cultural and natural resources in the national park system. Additional details and information about the legal basis for this policy can be found in the NPS

Management Policies[1], and in Director's Order 66[2], which includes the DOJ Guidelines to the Freedom of Information Act[3].

In 2018, the IMD central office provided guidance for documenting protected data for each park in a network. The PACN Data Manager worked with PACN park staff to populate a spreadsheet that documented protected resources and rules for disseminating and withholding information about those resources. A memo for approval by the park's Superintendent that documents decisions made and populated in the spreadsheet was developed for each park in the PACN, signed by park Superintendents, and uploaded to NPS Data Store within the Integrated Resource Management Applications Portal (IRMA)[4]. Guidelines for sensitive information will apply to all resources in the protected data memos.

These guidelines apply to all PACN staff, cooperators, contractors, and other partners who are likely to obtain or have access to information about protected NPS resources. The PACN Botanist has primary responsibility for ensuring adequate protection of sensitive information related to this project.

The following are highlights of our strategy for protecting this information:

- *Protected resources*, in the context of the PACN Inventory and Monitoring Program, include species that have state- or federally listed status, and other species deemed rare or sensitive by local park taxa experts.

- *Sensitive information* is defined as information about protected resources which may reveal the "nature or specific location" of protected resources. Such information must not be shared outside the National Park Service unless a signed confidentiality agreement is in place.

- In general, if information is withheld from one requesting party, it must be withheld from anyone else who requests it, and if information is provided to one requesting party without a confidentiality agreement, it must be provided to anyone else who requests it.

- To share information as broadly as legally possible, and to provide a consistent, tractable approach for handling sensitive information, the following shall apply if a project is likely to collect and store sensitive information:

    - Random coordinate offsets of up to 2 km for data collection locations, and

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[1] NPS Management Policies, https://www.nps.gov/subjects/policy/upload/MP_2006.pdf (accessed 29 July 2021).

[2] Director's Order 66, https://npspolicy.nps.gov/DOrders.cfm (accessed 29 July 2021).

[3] DOJ Guidelines to the Freedom of Information Act, https://www.justice.gov/oip/doj-guide-freedom-information-act-0 (accessed 29 July 2021).

[4] PACN Protected Data Memos, https://irma.nps.gov/DataStore/Collection/Profile/5593 (accessed 29 July 2021).

- Removal of data fields from the released copy that are likely to contain sensitive information.

What Kinds of Information Can and Cannot Be Shared?

Do Not Share

Project staff and cooperators should not share any information outside NPS that reveals details about the "nature or specific location" of protected resources, unless a confidentiality agreement is in place. Specifically, the following information should be omitted from shared copies of all data, presentations, reports, or other published forms of information.

- *Exact Coordinates*: Instead, public coordinates are to be generated that include a random offset azimuth and distance. These offset coordinates can be shared freely.

- *Other Descriptive Location Data*: Examples may include travel descriptions, location descriptions, or other fields that contain information which may reveal the specific location of the protected resource(s).

- *Protected Resource Observations at Disclosed Locations*: If specific location information has already been made publicly available, the occurrence of protected resources at that location cannot be shared outside NPS without a confidentiality agreement. For example, if the exact coordinates for a monitoring station location are posted to a website or put into a publication, then at a later point in time an endangered fish species is observed at that monitoring station, that monitoring station location in reference to the endangered fish species cannot be mentioned or referred to in any report, presentation, data set, or publication that will be shared outside NPS.

Do Share

All other information about the protected resource(s) may be freely shared, so long as the information does not reveal details about the "nature or specific location" of the protected resource(s) that aren't already readily available to the general public in some form (e.g., other published material). Species tallies and other types of data presentations that do not disclose the precise locations of protected resources may be shared, unless by indicating the presence of the species the specific location is also revealed (i.e., in the case of a small park).

Details for Specific Products

Whenever products such as databases and reports are being generated, handled and stored, they should be created explicitly for one of the following purposes:

- *Public or general-use:* Intended for general distribution, sharing with cooperators, or posting to public websites. They may be derived from products that contain sensitive information so long as the sensitive information is either removed or otherwise rendered in a manner consistent with other guidance in this document.

- *Internal NPS use:* These are products that contain sensitive information and should be stored and distributed only in a manner that ensures their continued protection. These products should clearly indicate that they are solely for internal NPS use by containing the phrase: "Internal NPS Use Only – Not For Release." These products can only be shared within NPS or in cases where a confidentiality agreement is in place. They do not need to be revised in a way that conceals the location of protected resources.

Datasets

To create a copy of a data set that will be posted or shared outside NPS:

1. Make sure the public offset coordinates have been populated for each sample or observation location in tbl_Locations.

2. Delete any database objects that may contain specific, identifying information about locations of protected resources.

The local, master copy of the database contains the exact coordinates and all data fields. The PACN Data Manager and/or PACN GIS Specialist can provide technical assistance as needed to apply coordinate offsets or otherwise edit data products for sensitive information.

Maps and Other GIS Output

General use maps and other geographic representations of observation data that will be released or shared outside NPS should be rendered using offset coordinates and should only be rendered at a scale that does not reveal their exact position (e.g., 1:100,000 maximum scale).

If a large-scale, close-up map is to be created using exact coordinates (e.g., for field crew navigation, etc.), the map should be clearly marked with the following phrase: "Internal NPS Use Only – Not For Release."

The PACN Data Manager and/or PACN GIS Specialist can provide technical assistance as needed to apply coordinate offsets or otherwise edit data products for sensitive information.

Presentations and Reports

Public or general-use reports and presentations should adhere to the following guidelines:

1. Do not list exact coordinates or specific location information in any text, figure, table, or graphic in the report or presentation. If a list of coordinates is necessary, use only offset coordinates and clearly indicate that coordinates have been purposely offset to protect the resource(s) as required by law and NPS policy.

2. Use only general use maps as specified in the section on maps and other GIS output.

If a report is intended for internal use only, these restrictions do not apply. However, each page of the report should be clearly marked with the following phrase: "Internal NPS Use Only – Not For Release."

Voucher Specimens

Specimens of protected taxa should only be collected as allowed by law. Labels for specimens should be clearly labeled as containing sensitive information by containing the following phrase: "Internal NPS Use Only – Not for Release." These specimens should be stored separately from other specimens to prevent unintended access by visitors. As with any sensitive information, a confidentiality agreement should be in place prior to sending these specimens to another non-NPS cooperator or collection.

Procedures for Coordinate Offsets

1. Process GPS (Global Positioning System) data, upload into the database, and finalize coordinate data records.

2. Set the minimum and maximum offset distances (project-specific, typically up to 2 km).

3. Apply a random offset and random azimuth to each unique set of coordinates.

4. Coordinates may then be either rounded or truncated so the UTM values end in zeros to give a visual cue that the values are not actual coordinates.

5. Do not apply independent offsets to clustered or otherwise linked sample locations (e.g., multiple sample points along a transect). Instead, either apply a single offset to the cluster so they all remain clustered after the offset is applied or apply an offset to only one of the points in the cluster (e.g., the transect origin) and store the result in the public coordinates for each point in that cluster.

6. In the absence of a confidentiality agreement, these "public" coordinates are then the only ones to be shared outside NPS, including all published maps, reports, publications, presentations, and distribution copies of the data.

The following components can be used to create individual offsets rounded to the nearest 100 meters in MS Excel:

- Angle = rand() * 359
- Distance = ((Max_offset – Min_offset) * rand() + Min_offset)
- Public_UTME = Round(UTME_final + (Distance * cos(Radians(Angle – 90))), -2)
- Public_UTMN = Round(UTMN_final + (Distance * sin(Radians(Angle + 90))), -2)

Sharing Sensitive Information

No sensitive information (e.g., information about the specific nature or location of protected resources) may be posted to the Integrated Resource Management Applications Portal (IRMA)[5] or another publicly accessible website, or otherwise shared or distributed outside NPS without a confidentiality agreement between NPS and the agency, organization, or person(s) with whom the sensitive information is to be shared. Only products that are intended for public/general-use may be posted to public websites and clearinghouses; these may not contain sensitive information.

Refer to SOP #20 Product Posting and Distribution for a more complete description of how to post and distribute products, and to keep a log of data requests.

Responding to Data Requests

If requests for distribution of products containing sensitive information are initiated by the NPS, by another federal agency, or by another partner organization (e.g., a research scientist at a university), the unedited product (e.g., the full data set that includes sensitive information) may only be shared after a confidentiality agreement is established between NPS and the agency, organization, or person(s) with whom the sensitive information is to be shared. All data requests will be tracked according to procedures in SOP #20 Product Posting and Distribution.

Once a confidentiality agreement is in place, products containing sensitive information may be shared following these guidelines:

- Always clearly indicate in accompanying correspondence that the products contain sensitive information, and specify which products contain sensitive information.
- Indicate in all correspondence that products containing sensitive information should be stored and maintained separately from non-sensitive information and protected from accidental release or re-distribution.
- Indicate that NPS retains all distribution rights; copies of the data should not be redistributed by anyone but NPS.
- Include the following standard disclaimer in a text file with all digital media upon distribution: "The following files contain protected information. This information was provided by the National Park Service under a confidentiality agreement. It is not to be published, handled, re-distributed or used in a manner inconsistent with that agreement." The text file should also specify the file(s) containing sensitive information.
- If the products are being sent on physical media (e.g., CD or DVD), the media should be marked in such a way that clearly indicates that media contains sensitive information provided by the National Park Service.

[5] IRMA, https://irma.nps.gov/Portal (accessed 29 July 2021).

Confidentiality Agreements

Confidentiality agreements may be created between NPS and another organization or individual to ensure that protected information is not inadvertently released. When contracts or other agreements with a non-federal partner do not include a specific provision to prevent the release of protected information, the written document must include the following standard Confidentiality Agreement:

Confidentiality Agreement: I agree to keep confidential any protected information that I may develop or otherwise acquire as part of my work with the National Park Service. I understand that with regard to protected information, I am an agent of the National Park Service and must not release that information. I also understand that by law I may not share protected information with anyone through any means except as specifically authorized by the National Park Service. I understand that protected information concerns the nature and specific location of endangered, threatened, rare, commercially valuable, mineral, paleontological, or cultural patrimony resources such as threatened or endangered species, rare features, archeological sites, museum collections, caves, fossil sites, gemstones, and sacred ceremonial sites. Lastly, I understand that protected information must not be inadvertently disclosed through any means including websites, maps, scientific articles, presentation, and speeches.

Freedom of Information (FOIA) Requests

All official FOIA requests will be handled according to NPS policy. The PACN Botanist will work with the PACN Data Manager and the park FOIA representative(s) of the park(s) for which the request applies.