

WESTERN GRAY WHALE ADVISORY PANEL

4th Meeting

Agenda Item: (6)

WGWAP 4/INF.8

24 April 2008

ENGLISH

MULTIVARIATE ANALYSIS

Data availability protocol

Prepared by Greg Donovan and Doug Bell

Draft Data Availability Agreement

GREG DONOVAN AND DOUG BELL

This document was produced in response to a request from GWAP-3.

Data Availability

A balance must be struck between the needs of the Panel and the rights of the individuals who have invested considerable time, effort and resources in collecting the data. Similar problems have been faced with other advisory bodies and the proposal we have developed here takes into account the Data Availability Agreement developed by the International Whaling Commission's Scientific Committee and the experience gathered in its use over recent years.

The following three principles have been taken into account in terms of developing what we believe represents a fair solution to the issues surrounding data availability and the Panel:

- (1) data represent a significant temporal and financial investment by scientists and research institutes and appropriate safeguards should accompany the use of their data by others;
- (2) the right of first publication is the generally accepted scientific norm;
- (3) important management decisions made with respect to the conservation of western gray whales should be based on a full scientific review of both data quality and analyses that can be independently verified.

THE RECOMMENDED APPROACH

This approach applies to data that are considered by the Panel to be important for the provision of management advice directly related to the conservation of western gray whales. Requests of a more academic or general scientific nature will be dealt with on a bilateral basis.

The Panel will establish a Data Group to oversee the process, comprising: the Chair of the Panel and two additional panel members, assisted by the IUCN (Finn's title).

Procedure

Data owners (e.g. SEIC, others) who have agreed to participate in this process in principle, shall produce, in consultation with the Data Group, a published protocol (or protocols) for data access that applies to requests generated by the GWAP, to ensure clarity and a mutual understanding of the process. An example of such a protocol used by the Institute of Cetacean Research in the context of the IWC agreement is given as [Appendix 1](#).

- (1) During the meeting at which the recommendation for work is made, the GWAP shall specify to the fullest extent possible:
 - (a) the objective(s) of the work
 - (b) proposed analytical techniques
 - (c) data required and data owners
 - (d) scientists to undertake the work (collaborative studies are encouraged)
 - (e) a proposed timeline.
- (2) Applications to the data owners following the published protocol referred to above should be submitted by the Data Group assisted by the scientists named in 1(d) above, and, where appropriate, the data owners.
- (3) If the above process is followed, then the data owners will normally approve the applications within a specified time period in accordance with the published protocol.
- (4) Applications shall only be granted under conditions given below.

- (5) Whilst the conditions for data recipients remain as below, more flexibility under items (1) – (3) is granted to any Task Forces established. These should be determined by the Task Forces themselves when agreeing their Terms of Reference; additional collaborative analyses are also likely to occur during and between Task Force meetings – this is to be encouraged.

Conditions for data recipients

Accepted applications will be granted under the following conditions:

- (1) data shall not be transmitted to third parties;
- (2) papers may only be submitted to a WGWAP meeting or task force in accordance with the time restrictions given below - such papers must not include the raw data or a presentation of the data in more detail than is necessary to understand the analysis;
- (3) papers must carry a restriction on citation except in the context of WGWAP meetings;
- (4) data owners are offered co-authorship;
- (5) publication rights remain strictly with the data owner;
- (6) data shall be returned to the data owner immediately after the meeting at which the paper is submitted and any copies destroyed, unless an extension is granted;
- (7) agreement forms signed by the data requesters and IUCN (who will sign the agreement on the WGWAP's behalf) will be held by the data owner and IUCN – the latter will be responsible for ensuring that the conditions of any agreement are met by any individual scientists involved in the analysis;
- (8) In the event of a breach of the conditions in (6), serious sanctions [to be determined] will apply.

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Appendix 1 – Example Protocol from the Institute of Cetacean Research, Japan

Protocol for access to samples/data from the Institute of Cetacean Research (ICR), Tokyo, Japan under Procedure B (JCRM 6 (suppl.): 56-7

INTRODUCTION

This protocol has been developed in the context of Procedure B of the IWC Scientific Committee's rules for data availability adopted at the 55th Annual Meeting (*Journal of Cetacean Research and Management* 6 (suppl.): in press). Procedure B applies to data required for analyses deemed important in providing advice to the Committee other than catch limits. Conditions for data recipients (repeated below) as specified in the rules for data availability are applicable.

It was agreed that the Committee shall specify the nature of the work and the data required during the meeting at which the recommendation is made, to the fullest extent possible in the time available at the meeting and in accord with the published protocol. Requests to the ICR for data under Procedure B of the Scientific Committee's rules for data availability shall be submitted by the Data Availability Group assisted by a nominated member of ICR.

It was also agreed that if the correct process is followed, the data owners will normally approve the applications within a 'specified time period'; in this case ICR agrees that it will respond within 2 weeks of receiving an application.

FORMAT OF THE APPLICATION

The format for the application is based on the revised application for catch-at-age analyses agreed by all members of the Scientific Committee at the end of the Scientific Committee meeting in 2003 (Annex G, Appendix 11).

- (a) *Title* of the proposal, giving the broad subject of the proposed analyses.
- (b) *Investigators*: the full name and affiliation of the principal investigator(s) and co-investigator(s) should be provided. This should include at least one scientist from ICR.
- (c) *Objectives and rationale of the study* as specified by the by the Scientific Committee along with the appropriate reference to the report(s) of the Scientific Committee. This will include the reasons why the proposed analyses are important and how they fit into previous work.
- (d) *Data to be used* will include a general description of all data to be used as well as data held by ICR. For the ICR-held data, the precise requirements will be given, including the level of disaggregation.
- (e) *Description of the methods* likely to be used. The level of detail must be in accordance with the level of novelty of the proposed methods and the particular research questions they will address. References to similar analyses should be included where available.
- (f) *Schedule of the work*: this should include estimated times for the various analyses to be carried out and an indication of which investigators will collaborate on individual components. If the project is a long-term project, annual progress reports will be required by ICR and the Scientific Committee.
- (g) *Output of the research*: this will follow the rules for publication agreed at the Scientific Committee meeting and given below. ICR may consider requests for less stringent conditions (e.g. presentations at non-IWC scientific meetings, publications, etc.). Such requests should be detailed here.

CONSIDERATION OF THE PROPOSAL

If an application has been approved by the whole Scientific Committee at an annual meeting, it will normally be approved by ICR. However, the final decision will always remain the prerogative of ICR. ICR may request reviews by an internal review group and/or external experts. The following factors will be taken in to account by ICR when considering applications.

- (a) *Priority*: highest priority for analysis/research of samples/data produced by Japan's Whale Research Programs under Special Permit, will be for the scientists that collected and obtained the data in any particular field.
- (b) *Suitability of the requested data in the context of the proposed methods and the objectives of the research.*
- (c) *Level of co-operation with ICR scientists.*

The response to an application for data will be communicated by the ICR's Director General to the Data Availability Group and may include requests for further information. If the research proposal is accepted, ICR will nominate a scientist, (normally one of the co-investigators) who shall be responsible for making the necessary arrangements to provide the required samples/data.

Agreed Scientific Committee conditions for data recipients

Applications deemed suitable under Procedure A or Procedure B below are granted under the following conditions:

- (1) Data shall not be transmitted to third parties.
- (2) Papers may only be submitted to a Committee meeting in accordance with the time restrictions given below. Such papers must not include the raw data or the data in a form in more detail than is necessary to understand the analysis.
- (3) Papers must carry a restriction on citation except in the context of IWC meetings.
- (4) Data owners are offered co-authorship.
- (5) Publication rights remain strictly with the data owner.
- (6) Data shall be returned, to the Secretariat or the data owner as appropriate, immediately after the meeting at which the paper is submitted and any copies destroyed, unless an extension is granted.
- (7) Data requesters sign a form agreeing to the above conditions. Such forms will be held by the data owner and the Secretariat. In the case of Procedure B, the Data Availability Group will sign the agreement on the Committee's behalf and ensure that the conditions of any agreement are met by any individual scientists involved in the analysis.
- (8) In the event of a breach of the conditions in (6), serious sanctions [to be determined] will apply.