

SENSITIVE SPECIES DATA POLICY

Approved December 2009

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Department of
Environment, Climate Change and Water NSW



Document Control

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Date of original endorsement:	September 2004 (as Threatened Species Information Disclosure Policy)
Date of effect:	September 2004
Date last modified:	December 2009
Date for review:	September 2014

Published by:

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Introduction

The NSW Department of Environment, Climate Change and Water (DECCW) maintains a number of databases which contain sightings records for animal and plant species in New South Wales. For highly mobile species, a sighting record will provide a snapshot of an individual's whereabouts on a particular date. It would not normally allow the individual's location to be traced at a later date. In contrast, species such as plants and sedentary fauna and invertebrates are more easily located where precise locational information of previous sightings is made available. Some species are highly sensitive to threats such as disturbance and collection. Given the highly sensitive nature of some species, precise locational information on selected species will not be provided to parties external to DECCW (with some limited exceptions).

This policy sets out the manner in which species which are "sensitive" will be categorised and the levels of disclosure allowed.

Objectives

The policy is designed to strike a balance between:

- the protection of precise locational information for sensitive flora and fauna species, and
- the availability of species locational information appropriate for sound environmental management and research purposes.

Scope and application

DECCW maintains a number of databases which contain locational information for fauna and/or flora species in New South Wales. These include the Atlas of New South Wales Wildlife (Atlas), supporting biodiversity survey databases, and databases maintained by the Botanic Gardens Trust (BGT). Although this policy has been written primarily referencing Atlas data, the general policy principles apply to all flora and fauna locational information held by DECCW, unless otherwise indicated in the policy.

Definitions

'As-held' coordinates – sighting coordinate details as supplied to DECCW for entry into the Atlas of NSW Wildlife. 'As held' coordinates do not necessarily equate to exact locational details, and 'as held' records must be interpreted with reference to their geographic accuracy. Many records which are supplied for entry are only accurate to 1km, or occasionally 10km or even 100km.

Atlas of NSW Wildlife (Atlas) – DECCW's corporate database of fauna and flora sightings records, used extensively by DECCW staff and

external clients for conservation management inside and outside reserves, environmental impact assessment and ecological research.

'Denatured' coordinates – 'as-held' coordinates which have been rounded, for example to 1km or 10km, in order to generalise the spatial locality.

Global Biodiversity Information Facility (GBIF) – international body established in 2001, to coordinate development of a global digitised information facility for biodiversity data.

NSW Scientific Committee – an independent committee of scientists appointed in accordance with the *Threatened Species Conservation Act*, by the Minister for Climate Change and the Environment. One of the main functions of the Committee is to decide which entities should be listed as critically endangered, endangered, vulnerable or presumed extinct in NSW. The NSW Scientific Committee does not make decisions about threatened fish and marine plants. This is the responsibility of the NSW Fisheries Scientific Committee.

Scientific Licence procedure - It is a requirement of the National Parks and Wildlife Act, 1974, and the National Parks and Wildlife Regulation, 2002, that persons (including DECCW staff) undertaking research on, or collection of, protected flora and fauna in NSW must hold a current Licence to Conduct Scientific Research/Collection (a so-called 'Scientific Licence'). A condition of the Scientific Licence is that a list of **all** species captured, observed or collected, together with the precise geographic coordinates and date of each trapping, observation or collection, must be forwarded to DECCW, where the records are entered into the Atlas database.

Sensitive species – species which are at particular risk from threats such as collection and disturbance.

Threatened entities - species, populations or ecological communities which are listed in the schedules of the *Threatened Species Conservation Act 1995*.

Relevant legislation or other mandating instruments

Legislation and / or mandating instruments that this policy supports are:

- Bush Fire Environmental Assessment Code for NSW
- Fisheries Management Act, 1994
- Freedom of Information Act, 1989
- Integrated Forest Operations Approval
- National Parks and Wildlife Act, 1974
- Privacy and Personal Information Act, 1998
- Private Native Forestry Code of Practice
- Threatened Species Conservation Act, 1995

Sensitive Species Data Policy

Atlas of NSW Wildlife

The NSW Department of Environment, Climate Change and Water (previously the Department of Environment and Conservation and NSW National Parks and Wildlife Service) maintains the Atlas of NSW Wildlife (Atlas), a database of fauna and flora records for New South Wales. The Atlas contains records of observations of plants, mammals, birds, reptiles, amphibians, and some fish, invertebrates and fungi. Each record contains various details, including geographic coordinates, information regarding the source and accuracy of the record and the time period within which a species was recorded at a particular location.

The information held in the Atlas is used by a wide variety of people, including:

- DECCW staff for conservation management, both on and off reserves
- ecological consultants
- academics and researchers working on particular areas or species
- private individuals who may wish to know more about species around their property
- students working on school projects
- land holders preparing development clearing or private native forestry applications
- Commonwealth and State government departments for conservation planning and land management
- local government agencies for local planning purposes, and
- Catchment Management Authorities for catchment management activities.

Atlas data should only ever be viewed as an indication of what species **might** be present in an area, and will not provide clients with full species distributions. In recognition of the patchy nature of Atlas data, and to increase the chances of identifying species which may occur in a small area of interest, the minimum area for which DECCW will conduct an Atlas search for clients is 10kmx10km. For assessment and planning purposes, in most cases, an Atlas search will provide some indicative information only. Whilst useful, this information is not adequate to serve as a surrogate for thorough and well-structured field surveys.

Categories of Atlas data

Data in the Atlas can be divided into two categories:

1. Data for which DECCW are custodian

These records come from a wide variety of sources including:

- the general public

- historical reports
- DECCW staff
- data from the Botanic Gardens Trust herbarium database (maintained by the BGT)
- survey data from consultants, research scientists, and others, as part of the Scientific Licence procedure.

2. Data from agencies and organisations for which DECCW are not custodian

These datasets are maintained by the custodial agency, not by DECCW. A list of agencies and organisations which have authorised DECCW to distribute their data via the Atlas is attached at Appendix 3.

Available data formats

Data from the Atlas are available from DECCW in two formats.

1. Data which are publicly available via the internet.

Currently, species lists for selected areas can be generated through the Atlas website at www.wildlifeatlas.nationalparks.nsw.gov.au

A species list gives information including the scientific name, common name, legal status, and number of records for each species in the search area.

As a general principle, albeit at DECCW's discretion, fauna and flora data are made available via web services in accordance with accepted best practice guidelines, such as those published by the Global Biodiversity Information Facility (GBIF). Adherence to GBIF guidelines is at DECCW's discretion as dictated by DECCW operational, policy or other imperatives.

2. As a full report for a chosen area or species.

Full reports contain more detailed locational information about individual sightings, including more accurate geographic coordinates for sensitive species. Full reports are only supplied to clients who hold a valid Atlas Data Licence Agreement.

Management of the Atlas and supporting survey databases

The Atlas is managed by DECCW's Wildlife Data Unit. The Wildlife Data Unit organises all licence agreements for Atlas and supporting survey data, and organises all data extracts supplied pursuant to these data licence agreements.

Access to Flora and Fauna Data

The supply of species sightings from the Atlas of NSW Wildlife and DECCW biodiversity survey databases is restricted in several ways. These include by Data Licence Agreements, Freedom of Information (FOI) exemptions, and where sightings are part of datasets supplied by certain external organisations not bound by scientific licence

requirements (e.g. datasets from interstate agencies or bird-watching organisations).

Data Licence Agreements

Full reports of species sightings are released to clients under Data Licence Agreements. These Licences outline some limitations of the data and restrict the use of the data to the projects/work specified. They prohibit the data from being forwarded to a third party and prohibit the exact locations of sensitive species from being published in any form. In the case of Atlas data, to ensure clients use current information, licences prohibit the data from being used after 3 months. Licences state that any reports must acknowledge the source of the data and the date the data were released.

Before being granted a licence, clients must provide the Department, in writing, with details of the proposed project/work for which they require Atlas or biodiversity survey data. The Department of Environment, Climate Change and Water may refuse to grant a licence and/or supply data to any client. In general, DECCW will agree to provide data to clients for the purposes of environmental assessment and planning or for non-commercial scientific research.

The Freedom of Information Act (FOI)

The FOI Act gives anyone a legal right of access to information in the records of NSW Government Agencies. An amendment to the National Parks and Wildlife Act provides the Director-General with the ability to exempt locational data about threatened species or endangered ecological communities from disclosure under an FOI application.

Data acquired under agreement from other agencies/organisations

Some data, collected without the need for a Scientific Licence, are supplied to DECCW by other agencies or organisations subject to the conditions of a Data Licence or Data Exchange Agreement. In respect of such data, DECCW is bound by the conditions of the licence/agreement. Where the data are supplied for internal departmental use only, DECCW does not distribute the data, although DECCW staff may use the data to compile maps and/or reports which will be publicly available so long as precise locations of individual records cannot be determined.

Where DECCW compiles a map or report which will be publicly available, using data from other agencies, an appropriate acknowledgement is included, for example:

"This species list/map has been compiled from data held in DECCW's Atlas of NSW Wildlife. The Atlas of NSW Wildlife contains data for which the DECCW is custodian, and also includes data provided to DECCW by other agencies and organisations such as the Australian Museum, CSIRO, Forests NSW, Birds Australia and the Department of Environment Water Heritage and the Arts.

These data are only indicative and cannot be considered as a comprehensive inventory, and may contain errors and omissions".

Restrictions on release of personal information

As a public sector agency, DECCW is bound by the NSW Privacy and Personal Information Act 1998. DECCW asks Atlas contributors for personal details to allow checking and verification of sightings records, but DECCW does not release Atlas observer details to third parties.

This restriction does not apply to some other database extracts, for example supplies of survey data, where contributors are reasonably likely to be aware that this information might be disclosed.

Categories of Sensitive Species

The Department of Environment, Climate Change and Water manages access to sensitive species locational data by categorisation of sensitive species into 3 groups according to risk status. As a general rule, species categorised as "sensitive" will also be listed as threatened under legislation. It is possible that a non-threatened species may be categorised if, for example, it is a key indicator species for an endangered ecological community. Locational information held by DECCW for threatened species categorised as "sensitive" is exempt from disclosure under an FOI application.

For species categorised as sensitive, some or all locational information will not be disclosed depending on the species' status under the Policy (Appendix 1):

Category 1 – Species for which no records will be provided at all.

Category 2 – Species for which sightings' coordinates will be supplied 'denatured'.

Category 3 – Species for which sightings' coordinates will be supplied 'as-held' to licensed clients, but will be otherwise be distributed denatured including to public web applications.

The remaining species' records held within the database are supplied 'as-held'.

Category 1

Species for which no records will be provided at all (e.g. Wollemi Pine). The reason for non-disclosure is that a distinctive species of high biological significance is under high threat from exploitation/ disease or other identifiable threat where even general locality information may threaten the taxon.

Category 2

Species for which Atlas sightings' coordinates will be supplied denatured to public web applications, and denatured to licensed clients.¹ Current denaturing specifications are set out in Appendix 2. Such species are classed as highly sensitive, and provision of precise locations would subject the species to high risk from threats such as disturbance and collection. For example, *Mixophyes balbus*, *M. iteratus* and *M. fleayi* are

¹ With regard to category 2 sensitive species, licensed clients will be supplied with denatured coordinates from the Atlas database, but not from DECCW survey databases which record multiple species at a single site. Where DECCW survey data are supplied, records for category 2 sensitive species will be withheld.

classed as highly sensitive. They are listed on the TSC Act and are threatened by chytrid fungus causing the disease chytridiomycosis. Threatened orchids are classified as category 2 sensitive species, as they are at high risk of collection.

The following are exceptions to this disclosure rule:

- *Some government agencies* to get coordinates as-held e.g. the Department of Industry and Investment (Forests NSW) requires as-held data under provisions of the Integrated Forest Operations Approval.
- *The Rural Fire Service and Local Councils* to get coordinates as-held for fire sensitive species as defined under the Bush Fire Environmental Assessment Code (data supplied to each Council for their relevant LGA only)
- *Private Native Forestry applicants* to get coordinates as-held for species with ecological prescriptions under the Private Native Forestry Code of Practice (records supplied for the relevant PNF application area only).

In other cases, requests for supply of as-held coordinates for Category 2 species will be dealt with on a case-by-case basis by the Manager, Spatial Data Programs Section, in consultation with the relevant Biodiversity Conservation Manager(s). In general, coordinates for records of Category 2 species will only be supplied as-held in exceptional cases (e.g. for some research studies).

Data are supplied under the conditions of a written data agreement, usually a Data Licence Agreement. When Atlas data are provided to clients, they will be advised which species are sensitive and have had their coordinates denatured.

Category 3

Species for which sightings' coordinates will be supplied denatured to public web applications, but supplied 'as-held' to licensed clients. Current denaturing specifications are set out in Appendix 2. Such species are classed as of medium sensitivity, and provision of precise locations would subject the species to medium risk from threats such as collection/deliberate damage.

Data are supplied under the conditions of a written data agreement, usually a Data Licence Agreement.

Advice to Atlas clients

To further protect the locations of 'sensitive' species, clients who are supplied with Atlas data will be encouraged not to publish their own precise locational data for these species, where publication is not required by planning regulations or Director General's requirements. Guidelines for Atlas data specifications in Director General's requirements are available for DECCW staff on the DECCW intranet.

Procedural guidelines

New Listings

The NSW Scientific Committee will be requested to flag all newly Scheduled species that the Committee thinks should be categorised. The exact category will be decided at the discretion of the Department responsible for administering the relevant threatened species legislation:

Department of Environment, Climate Change and Water - listings under the Threatened Species Conservation Act, 1995.

Department of Industry and Investment - listings under the Fisheries Management Act, 1994.

Updates to sensitive species categories in Appendix 1 of this policy will be made by Wildlife Data Unit on advice from the relevant Biodiversity Conservation Manager(s). The process for updating Appendix 1 is detailed for DECCW staff on the DECCW intranet.

Related policies and other documents

- Chapman A. D. and Grafton O., 2008. *Guide to Best Practices for Generalising Sensitive Species Occurrence Data*. Copenhagen: GBIF. <http://www2.gbif.org/BPsensitivedata.pdf>
- Internal DECCW documents available to DECCW staff on the DECCW intranet:
 - *Sensitive Species Data Policy – Staff Accountabilities*
 - *Process for updating Appendix 1 of the Sensitive Species Data Policy*
 - *Guidelines for Atlas data specifications in Director General's requirements*

Contacts for further advice

- For enquiries about obtaining Atlas data, contact:
Data Exchange Officer gis@environment.nsw.gov.au or phone 95856684
- For enquiries about the Sensitive Species Data Policy, contact:
Manager Wildlife Data Unit jane.andrews@environment.nsw.gov.au
- For enquiries about the categorisation of particular species in Appendix 1 of the policy, contact the relevant **Biodiversity Conservation Manager:**
 - **Metropolitan Branch** monica.collins@environment.nsw.gov.au
 - **Southern Branch** michael.saxon@environment.nsw.gov.au
 - **North East Branch** andrew.mcintyre@environment.nsw.gov.au
 - **North West Branch** peter.christie@environment.nsw.gov.au