

**NWIFCA Technical, Science and Byelaw  
Sub-Committee  
11<sup>th</sup> August 2015: 10:00 a.m.**

**AGENDA  
ITEM NO.  
12**

**PROPOSAL FROM NGO: 'THE BLACK FISH' TO AID FISHERIES ENFORCEMENT  
AND DATA COLLECTION IN NW ENGLAND.**

**Purpose**

To bring the proposal to the attention of members.

**Recommendation**

That members consider the proposal as described below and advise on future policy with respect to The Black Fish as described in the conclusions.

**Background**

1. The NGO 'The Black fish' is based in Holland, active in a number of European countries and other parts of the world. They have a website which describes their activities. It is an international conservation organisation that assists enforcement agencies by supplying additional monitoring capacity at no cost. They have reportedly assisted the Italian and Greek governments in the Mediterranean. The Black fish uses volunteer members of the public to gather fisheries data and information which is passed to regulatory authorities and may be used in evidence. The organisation keeps a list to of such volunteers who have attended a four day Black fish course
2. Recently Fishing News ran a substantial article about this NGO which explored some of the issues arising from their work. The article is attached at Annex A. The fishing industry is understandably not supportive but the general view seems to be that the activities are not illegal and the information gathered may be admissible in court.
3. Some weeks prior to the FN article, the IFCA were approached by The Black Fish with a view to some sort of joint or partnership activity as yet unspecified. The HoE and the CEO met with Mr Wietse van der Werf from the Black Fish organisation on the 11<sup>th</sup> May. He subsequently submitted the proposal attached at Annex B.
4. In collaboration with pilots from the Wildlife Air Service and on-the ground "citizens inspectors" who are volunteers, The Black Fish would like to assist NWIFCA in their surveillance and enforcement role in areas of work such as:
5. The provision of 'citizen inspectors' to monitor and report on fishing activities where the flouting of rules may occur or be suspected.
6. Arial surveillance of fishing activities in the District to assist with monitoring compliance with byelaws and other regulations

**Issues**

7. The use of amateurs and volunteers to conduct intelligence and data gathering as part of the overall enforcement programme of the Authority raises questions for NWIFCA Officers.

8. Officers could not fully engage Black fish personnel as enforcement officers unless they had full IFCO training and received IFCO warrants and were subject to the operational control of the Authority.
9. Working with Black Fish personnel raises questions about the legality of their data gathering in terms of invasion of privacy, RIPA and data protection but we have been told that their activities are legal and this appears to be the view of the FN article at Annex A.
10. Officers are not fully clear on the information that should or could be disseminated to Black fish on fishing activities which they could observe and where there is enforcement risk. Information exempt from FOI such as confidential data shared under Information Sharing Agreements (ISAs) with organisations such as Lancashire Police would not be given to Blackfish. Information which members of the public could obtain under FOI could not be withheld from Blackfish.
11. Officers also have concerns around liability if there is an incident in the field. Black fish would have to agree that their volunteers would have no insurance cover from NWIFCA and the Authority would have no liability for any accident or altercation with fishers which arose as a result of their observation work.
12. Co-operation with the Black Fish could damage relations between the Authority and the fishing industry but as a responsible industry, fishermen should not be threatened by additional surveillance which any member of the public could carry out in a public place.
13. Failure to respond to intelligence provide by the Black Fish could result in adverse publicity and the IFCA being portrayed as an ineffective enforcement organisation.
14. There may be well be other issues which Officers have not yet considered.

## **Conclusions**

15. NWIFCA should carefully consider whether to engage with the activities of the Black Fish.
16. NWIFCA should respond to public information or briefing requests on fisheries in the District from the Black Fish in line with legal duties FOI and DPA.
17. NWIFCA should consider any intelligence or evidence presented by the Black Fish and carry out further investigations and prosecutions as appropriate.
18. NWIFCA should consult MMO on the legality and advisability of co-operation with the Black Fish

**CEO**  
**27<sup>th</sup> July 2015**