



# Reference Sensitivity, Proprietary and Quality Designations

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This module provides definitions for all of the reference sensitivity, quality and proprietary designations.

## Introduction

In ServCat, sensitivity settings play an important role in protecting resources and permitting public access. The purpose of these guidelines is to provide general guidance so that ServCat users can make appropriate decisions about their resource in regards to sensitivity. Secondly, in order to fulfill the President's [Open Data](#) Initiative, ServCat is being harvested by [Data.gov](#) to provide public access to U.S. Fish & Wildlife Service documents. The I&M Initiative has been asked to provide more specific guidelines concerning public accessibility to remain compliant without compromising sensitive or proprietary information. (For more information see the Office of Management and Budget's [memo](#) on the Open Data Policy)

## Guidelines

In ServCat, records may be marked as non-sensitive, sensitive or unknown. Only References marked as non-sensitive, non-proprietary and OPOC approved are externally accessible from ServCat. Therefore, applications that use web services such as PRIMR, WRIA, or [Data.gov](#), will only pull resources marked as "public" in ServCat. References marked as sensitive or unknown are only accessible within ServCat.

Once a document is marked as sensitive, the user must select at least one field to explain its sensitivity. Evidence of one of the following *must be present* in order for the document to be considered sensitive. Resources which do not specifically exhibit sensitive material should be marked as non-sensitive and available to the public. If you are unsure if the following apply or have specific concerns regarding your resource, please contact your regional FOIA officer for specific guidance.

## ServCat Sensitivity Fields:

### Non-legally sensitive fields:

- **Operations:** Important to the internal business operations of the FWS, but not appropriate to external audiences. This may include information from another originator that is technically not 'sensitive' in nature, but should not be distributed publicly by the FWS.

*\*A note on telemetry radio frequencies:* Telemetry frequency assignments are FOIA exempt (272 FW 2.21 E). While this resource is protected from the public, telemetry frequency assignments are for use by the government and therefore appropriate for the FWS internal audience and should be marked operationally sensitive.\*

- **Personally Identifiable Information (PII):** PII refers to information that can be used to distinguish or trace a living individual's identity such as their Social Security number, biometric records, etc. alone or when combined with other personal or identifying information that is linked or linkable to a specific individual, such as a date and place of birth, mother's maiden name, etc. Personnel, medical and similar files containing information of a highly personal nature are not appropriate for ServCat. Please note that information previously made public (for example: arrest/property records) and information more than 75 years old is not considered PII.

Types of sensitive PII:

- a. an individual's social security number alone; or
- b. an individual's name or address or phone number *in combination with one or more of the following:*
  1. date of birth
  2. Social Security number
  3. driver's license number or other state identification number
  4. passport number
  5. financial account number or credit/debit card number

Selecting operations or personal information allows the record *and* holding location to be accessible to the FWS Internal but will not be harvested by *Data.gov*, and thus not accessible by the public.

## Legally-Sensitive Fields:

The following legal sensitivity options, when selected, will allow the record but *not* the holding location to be accessible by the FWS. *Records marked with one of the following options must contain:* location-specific information that would create an unreasonable risk, harm, theft, or destruction of a natural or cultural resource or object, including individual organic or inorganic specimens or risk to the health and/or safety of refuge personnel or the public.

**For a resource to be considered legally sensitive, all of the following criteria must be met:**

1. Internal Resource: The resource contains information about a FWS resource specifically exempt from disclosure by statute when that statute: (a) requires withholding information from the public, or (b) establishes particular criteria for withholding or refers to particular types of matters withheld. (5 U.S.C §552 (b) 3.)
2. Location Specific: The resource contains a descriptive, graphical or electronic (GPS) portrayal of a place in such detail that knowledge of the place would permit a person to find the specific place. For example GPS coordinates to a specific protected archeological site, nesting area, etc. It is important to note that disclosing that a resource is present at a refuge is *not* considered to be location specific. Likewise, generalized location data (cutting off the last digits in UTM coordinates, or 'in the wilderness') is also *not* considered location specific. In extremely rare instances where even the acknowledgement that a particular resource exists at a refuge may reveal too much location information. FWS employees should seek further guidance from their regional FOIA officer for any questions regarding their resource.

3. *Not Already Publicly Available*: Information that already is publicly available is not legally sensitive. For example, information that can be derived from refuge websites, or the return of species documented by the media, etc.

- **Archaeological**: Location-specific, and non-public information about material remains of past human life or activities which are of archeological interest for which the excavation or removal requires a permit or other permission. (5 U.S.C. §552 (b) 3: Archeological Resource Protection Act, 16 U.S.C §470hh)
- **Caves**: Location-specific and non-public information about any naturally occurring void, cavity, recess, or system of interconnected passages which occurs beneath the surface of the earth or within a cliff or ledge (including any cave resource therein, but not including any vug, mine, tunnel, aqueduct, or other manmade excavation) and which is large enough to permit an individual to enter, whether the entrance is naturally formed or manmade. Such term shall include any natural pit, sinkhole, or other feature which is an extension of the entrance. (5 U.S.C. §552 (b) 3: The Federal Cave Resources Protection Act of 1988, 16 U.S.C. §4301-4309)
- **Commercially Valuable**: Location-specific and non-public information about a resource that has potential for being traded or sold in legal or illegal markets such that unauthorized removal of these resources from a refuge is likely to occur despite the potential of civil or criminal penalties. (5 U.S.C. §552 (b) 3: The Lacey Act as amended)
- **Cultural**: Location-specific and non-public information about cultural resources having importance for archeology, history, ethnography, literature, and/or art that are at risk of theft or damage to their physical and/or nonphysical integrity. (5 U.S.C. §552 (b) 3: 519 DM 1, Department of Interior Protection of the Cultural Environment)
- **Endangered**: Location-specific and non-public information about a species or population that has been formally designated as endangered or proposed for such designation by the FWS or other appropriate agency. (5 U.S.C. §552 (b) 3: Endangered Species Act of 1973, as amended)
- **In Litigation**: Resources that are currently being used in legal proceedings. Or information found in agency records that is subject to legally recognized privilege, including the deliberative process privilege, attorney work product privilege, and attorney-client privilege (5 U.S.C. §552 (b) 5.). Or information found in agency records compiled for law enforcement purposes, that could interfere with law enforcement proceedings, would deprive a person of a fair trial or impartial adjudication, reveal confidential sources and information, describe confidential investigative techniques, or endanger the physical safety of a person. (5 U.S.C. § 552 (b) 7.)
- **Indian Sacred Sites**: Location-specific, and non-public information about any specific, discrete, narrowly, delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion, provided that the tribe or appropriately authoritative representative of Indian religion the agency of the existence of such site. (5 U.S.C. §552 (b) 3: Executive Order No. 13007)
- **Minerals**: Location-specific and non-public information about naturally occurring, usually inorganic, discretely bounded crystalline substance with characteristic physical and chemical properties that are due to its atomic arrangement. While a mineral object usually has a

characteristic crystal form, it may exhibit a non-crystalline form, such as occurs in opal or obsidian. A mineral object also includes organic substances such as oil and coal, and may contain substances in the category of natural aggregates of materials. (5 U.S.C. §552 (b) 3: 612 FW 1, Minerals and Mining)

- **Paleontological:** Location-specific and non-public information about any discreetly bound organic remains of a plant or animal, trace of a plant or animal, imprint of a plant or animal, or cast of a plant or animal that has been preserved by natural processes within a geological context, together with geologic and paleontological data associated with the object. (5 U.S.C. §552 (b) 3; 16 U.S.C §470 aaa, Omnibus Public Lands Act, Paleontological Resources Preservation Subtitle)
- **Security:** Location-specific and non-public information regarding national defense, national or local security or foreign policy. (5 U.S.C. § (b) 1; Executive Order 12958, as amended)
- **Threatened:** Location-specific and non-public information about a species or population that has been formally designated as threatened or proposed for such a designation by the FWS or other appropriate agency. (5 U.S.C. §552 (b) 3: Endangered Species Act of 1974, as amended)
- **Wells:** Location-specific, non-public information about geological and geophysical information, data, including maps, concerning wells used for the purpose of withdrawing or injecting water, oil, or natural gas. (5 U.S.C. §552 (b) 9.)

### Unknown:

By selecting unknown, the record defaults to sensitive. Unknown implies that the resource has not been evaluated as to whether it contains sensitive information *and* there is a likely chance that it contains sensitive information. The resource is assumed to contain legally sensitive information until otherwise evaluated.

### Proprietary/Copyright

Independent of being sensitive/non-sensitive, an Information Resource contains information that is copyrighted, has other legal restrictions, paid for access from a third party, and/or the data has recently been collected by a non-FWS researcher who plans to publish their results in a professional journal.

The following designations are possible:

- **Unknown :** Proprietary status has not been evaluated or cannot be determined.
- **Copyrighted, Do Not Distribute:** Known to contain copyrighted and/or proprietary information. Originator has not provided permission to distribute freely the information either to the public or internally to all NPS staff.
- **Copyrighted, Distribute Internally:** Known to contain copyrighted and/or proprietary information. Permission has been secured to distribute internally within NPS.
- **Copyrighted, Non-Commercial:** Known to contain copyrighted and/or proprietary information. Permission has been secured to distribute for non-commercial use to the NPS and public
- **Non-Proprietary** - The information is neither copyrighted nor has any other use restrictions related to it being intellectual property. For that reason, this information may be distributed to the NPS and public.

### Help Identifying Proprietary Information

- The information was purchased from a private vendor (e.g., Ikonos Satellite Imagery, amazon books, journal articles, etc.)
- The article was downloaded from a bibliographic service
- There is any mention of copyright ©
- The information was collected as part of a contract and the contractor plans to publish information in the near future.
- Works produced by the US government, or any government agency or person acting in a government capacity are in the public domain and therefore are not proprietary

### Quality Designations:

- **High** – The information is adequately documented and organized to ensure that someone using the information can readily determine whether it will meet their specific needs. In general, this information has been reviewed (e.g., from published journal articles or rigorous monitoring programs) and has adequate documentation about its generation.
- **Operational**–The information may not be adequately documented or organized; therefore, it may be difficult for someone to determine whether use of the information will meet their specific needs. In general, this information has not been reviewed and documentation about its generation may be inadequate.
- **Unknown** – The quality of the information is unknown or unevaluated.