United States Department of the Interior

NATIONAL PARK SERVICE
Dry Tortugas National Park
40001 State Road 9336
Homestead, Florida 33034
Phone: (305) 242-7700

September 17, 2020

To: Network Program Manager, South Florida / Caribbean Inventory and Monitoring Network

From: Superintendent, Dry Tortugas National Park

Subject: Handling of protected resource data

The Superintendent of Dry Tortugas National Park has the authority to identify and protect vulnerable park resources such as those that are threatened, endangered, rare, or commercially valuable. The Superintendent has determined that specific location information and other related information about these resources, if released to the public or other unapproved audiences, may result in harm, theft, or destruction. The superintendent may determine on a case-by-case basis, and pursuant to applicable statutes, the conditions under which it is appropriate to release protected data. When data are handled by agents of the United States beyond the National Park Service, a data sharing agreement shall be in place to describe the appropriate uses and safeguards for those data.

Authorization to withhold information from release is based on specific federal statutes. Some statutes require NPS to withhold certain types of information by default, and other statutes establish conditions in which the withholding of information is warranted. Statutes that commonly apply to withholding of information related to vulnerable park resources include, but are not limited to:

- National Parks Omnibus Management Act, Section 207, 16 U.S.C. § 5937, authorizes the agency to withhold from public release, information concerning the nature and specific location of a National Park System resource which is endangered, threatened, rare, or commercially valuable, of mineral or paleontological objects within units of the National Park System, or of objects of cultural patrimony within units of the National Park System. The law also identifies conditions under which the Secretary may release this information.

- National Historic Preservation Act, 16 U.S.C. § 470w-3, allows an agency to withhold information about the location, character, or ownership of certain historic resources under certain circumstances. This law also identifies conditions under which the Secretary may release this information.

- Archaeological Resource Protection Act, 16 U.S.C. § 470hh (and the NPS implementing regulation, 43 C.F.R. § 7.18) prohibits the release, under FOIA or any other law, of information concerning the nature and location of certain archeological resources. This law also identifies conditions under which the Secretary may release this information.

- Executive Order No. 13007, Indian Sacred Sites, instructs agencies to accommodate access to and ceremonial use of Indian sacred sites on federal land by Indian religious practitioners, avoid adversely affecting the physical integrity of such sacred sites, and maintain the confidentiality of those sacred sites, where appropriate.

Resource Data Protection

To ensure data on vulnerable resources are appropriately protected in accordance with law and management policies, the methods of data protection found in Table 1 (Protected Data Worksheet, attached) must be followed when disseminating resource information collected through inventory, monitoring or other related scientific activities.

Roles & Responsibilities

The Superintendent designates the Chief of Resource Management to be the official point of contact for consultation on adherence to this protected data agreement. The Chief may further designate named NPS officials to communicate or assist in specific (explicitly identified) instances or matters related to these rules.

All parties handling protected data must adhere to the specified type, method, duration, and other data restrictions identified in Table 1. They must consult with the Chief of Resource Management or his/her named designee regarding any questions or difficulties related to handling of protected data and information.

Updating the Protected Data Worksheet

This memo is intended to be reviewed annually to ensure updates are incorporated and communicated to all relevant parties. The most practical timing of annual review may coincide with the South Florida/Caribbean I&M Network annual meeting.

Relationship to Freedom of Information Act

It is important to understand that I&M reports, communications, data files, and other information may constitute federal records under the Freedom of Information Act (FOIA). The data protection guidelines outlined in this memo and Table 1 do not inherently protect these vulnerable resource data from disclosure in response to a request made pursuant to FOIA. Any request for federal records which meets the definition of a FOIA request that is received by any individual within the National Park Service must be handled under the appropriate FOIA process. Only an officially designated FOIA officer in consultation with an agency Solicitor may formally exert an exemption to FOIA to withhold or redact information under the FOIA process.

The guidelines outlined in this memo serve a very important function in proactively ensuring and maintaining the protection of data, which may then be officially withheld or redacted under an appropriate exemption if found to be a responsive record to a specific FOIA request.

This memo pertains to all forms of general reporting, as well as to fulfillment of routine data requests. Please indicate your understanding of this notice by providing your signature in the block below. If you have additional questions or concerns, please contact Park Manager, Glenn Simpson at (305) 224-4222 or glenn_simpson@nps.gov.

Sincerely,

GLENN SIMPSON Digitally signed by GLENN SIMPSON
Date: 2020.09.22 10:57:13 -06'00'

for Pedro Ramos
Superintendent

I agree to adhere to the resource data rules for protection outlined in this correspondence.

Signature: IRINA FORD Digitally signed by IRINA FORD
Date: 2020.09.30 15:45:36 -04'00' Date: _____

Irina Ford, Network Program Manager, SFCN