

***NATIONAL WEATHER SERVICE POLICY DIRECTIVE NWSPD 1-12
MARCH 20, 2009***

Administration and Management

Managing the Acquisition of Environmental Data From External Parties

NOTICE: This publication is available at: <http://www.nws.noaa.gov/directives/>.

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Type of Issuance: Initial

SUMMARY OF REVISIONS: This is an initial issuance.

1. To support its mission, the National Oceanic and Atmospheric Administration's (NOAA) National Weather Service (NWS) obtains various environmental data from non-federal sources under a variety of data agreements. These non-federal sources have the ability to impose terms of use for their environmental data on NWS as a condition of providing their environmental data to NWS.

2. NWS will seek to maximize the value of environmental data obtained from non-federal sources by negotiating the least restrictive terms of use possible that balance NWS mission requirements for the obtained data with the costs of obtaining the data and honoring the terms of use.

2.1 NWS recognizes the legitimate proprietary interest of non-federal sources from whom NWS obtains environmental data and is committed to honor the terms of use NWS agrees to as a condition of obtaining environmental data from non-federal sources.

2.2 This policy directive does not contravene or serve in the place of specific policies which apply based on the form of any data agreement. In particular, this policy directive does not contravene or replace acquisition regulations and policies of the U. S. government, the Department of Commerce, NOAA, or NWS, including ensuring compliance with Federal Acquisition Regulations (FAR) Clause 52.239-1, *Privacy or Security Safeguards*, Commerce Acquisition Regulations (CAR) Clauses CAR 1352.239-73- *Security Requirements For Information Technology Resources* and CAR 1352.239-74 *Security Processing Requirements For Contractors/Subcontractor Personnel For Accessing Doc Information Technology Systems* and other Department of Commerce and NOAA information security policies and standards.

2.3 This policy directive does not contravene or replace specific policies which apply to the management of environmental data once acquired or the management of information technology used to acquire, store, and use environmental data NWS obtains from non-federal sources, including NWS Directives 60-6 *Information Technology Privacy Policy* and 60-7 *Information Technology Security Policy*.

3. This directive establishes the following authorities and responsibilities:

3.1 Corporate Board members, as defined in NWS Directive 1-3 *Corporate Operations*, will have the authority to commit NWS to the terms of data agreements used to obtain environmental data from non-federal sources, and may develop supplements implementing this policy under their purview, subject to the following:

3.1.1 The authority to commit NWS to the terms of a data agreement may not be redelegated for data agreements that include restrictions on redistribution.

3.1.2 The authority to commit NWS to the terms of a data agreement may be redelegated to persons under their authority for data agreements that do not include restrictions on redistribution.

3.2 NWS Data Acquisition Officers who exercise the authorities established above have the following responsibilities:

3.2.1 They will follow policies which apply to the specific form of any data agreement, such as NWS acquisition policy.

3.2.2 They will assure that NWS has the means and intent to honor the terms of use established by these data agreements.

3.2.3 They will provide a record of every data agreement that NWS accepts in a manner established by the Chief Information Officer (see 3.4 below).

3.3 The Director of Strategic Planning and Policy will serve as a focal point for issues regarding data rights and other terms and conditions of use in the development of any data agreements and will develop procedural directives and/or supplements required to fully implement responsibilities as designated in this directive.

3.4 The Chief Information Officer will: (1) establish procedures to maintain a record of all NWS data agreements promulgated after the effective date of this policy directive, (2) will assure that NWS information management systems give appropriate consideration to terms of use established in NWS data agreements, and (3) serve as the NWS authority regarding terms and conditions addressing information security within any data agreement.

3.5 All NWS employees will honor the terms of data agreements promulgated under this policy directive.

4. Effectiveness will be measured by the following:

4.1 The ability of NWS to obtain environmental data from non-federal sources that provides maximum value to the NWS mission while minimizing costs of obtaining the environmental data and honoring the associated terms of use.

4.2 The number of claims made by non-federal sources of environmental data obtained by NWS that NWS has failed to honor the terms of use agreed to by NWS.

5. This policy directive is supported by the glossary of terms and references in Attachment 1.

<u>“Signed”</u>	<u>March 6, 2009</u>
John L. Hayes	Date
Assistant Administrator for Weather Services	

Attachment 1 Glossary of Terms and References

Glossary of Terms (as applied in this policy directive)

Acquisition - Used in a general sense to encompass both contract acquisition under Federal Acquisition Regulations and any other method used by NWS to acquire environmental information.

Data Acquisition Officer - NWS officials who commit NWS to the terms of data agreements used to obtain environmental data from non-federal sources by exercising authorities established in 3.1.

Data Agreement – Any form of agreement used by NWS to obtain environmental data from non-federal sources, whether or not NWS provides remuneration to the source, including contracts, Memoranda of Understanding/Agreement, grants, cooperative agreements, licenses, terms of use associated with open source data from internet web sites or other sources, and others.

Environmental Data - Includes observations, analyses, and predictions, on all time scales and for all times, of the atmosphere, ocean, land, space, and sun whether biological, chemical, electromagnetic, physical, or social; as well as associated metadata providing information about the means of estimation of the environmental information itself.

Metadata - Metadata are “data about data” describing the content, quality, condition, and other characteristics of environmental data, including any known errors or discontinuities. For observational data, metadata contain information relevant to instruments, calibration coefficients and location histories, instrument sampling time, calibration dates, and validation of sensor performance, exposure, and quality assurance flags.

Redistribution of Data - The distribution of any NWS product from which the original data can be readily extracted.

References and Relationship to other NOAA and NWS Directives

This policy directive was developed in accord with NWS Instruction 1-101 - NWS Directives System - Structure and Management.

The ability of NWS to provide environmental data to others may be affected by the terms of use NWS accepts for environmental data obtained from non-federal sources. The following references describe policies under which NWS provides environmental data to others:

The Paperwork Reduction Act of 1995

OMB Circular A-130 - Management of Federal Information Resources

NAO 216-112 - Policy on Partnerships in the Provision of Environmental Information

NWS Policy Directive 1-10 – Managing the Provision of Environmental Services – Implements the NOAA Policy on Partnerships in the Provision of Environmental Information within NWS.

NWS Instruction 10-940, *Hydrologic Data Network Services* - Provides instructions specific to the hydrologic/ hydro-meteorologic network concerns of the NWS Hydrologic Services Program.

NWS Instruction 10-941, *Flood Warning Systems*

NWS Instruction 10-942, *Flood Warning Systems Manual*

NWS Instruction 10-1302, *Instrument Requirements and Standards for the NWS Surface Observing Programs (Land)* - Describes the requirements and standards for meteorological sensors used in the NWS staffed or managed surface observing programs.

NWS Instruction 10-1311 - *Supplementary Observations and Complementary Data Sources and Networks*

All environmental data held by NWS, including environmental data obtained from non-federal sources under this policy directive, is subject to policies regarding information management including:

The Paperwork Reduction Act of 1995

Information Technology Management Reform Act of 1996

Federal Information Security Management Act 2002

Privacy Act of 2005

NAO 212-15 - *Management of Environmental and Geospatial Data and Information.*

NWS Policy Directive 60-6 *Information Technology Privacy Policy*

NWS Policy Directive 60-7 *Information Technology Security Policy*

NOAA Procedure for Scientific Records Appraisal and Archive Approval

Procedures to be followed to establish NWS requirements, including requirements for environmental data obtained from non-federal sources, are described in NWS Instruction 10-103 *NWS Requirements, Operations, and Services Improvements.*

Policies applicable to any form of acquisition, including acquisition of environmental data from non-federal sources, include:

Federal Acquisition Regulations

NOAA Acquisition Clauses

NAO 208-1 *NOAA Acquisition Handbook*

NWS Policy Directive 1-11 - *Acquisition Management*

NWS Instruction 1-1101 - *Acquisition Management Instruction*

The following provide implementation instructions for this policy directive:

NWS Instruction 1-1201 - *Obtaining Environmental Data from External Parties*