

NATIONAL WEATHER SERVICE POLICY DIRECTIVE 1-12

August 1, 2016

Administration and Management

OBTAINING ENVIRONMENTAL DATA FROM EXTERNAL PARTIES

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SUMMARY OF REVISIONS: This directive supersedes NWS PD 1-12, *Obtaining Environmental Data from External Parties*, dated June 3, 2013. Changes were made to reflect the NWS Headquarters reorganization effective April 1, 2015:

4.1 gives the authority to sign data agreements that have a cost or place restrictions on NWS use to the AA, DAA, ACIO, COO and the OPPSD director and removes ex officio signature authority from heads of NWS Financial Management Centers.

4.2.2 and 4.2.3.1 were added to ensure compliance with NWS governance and corporate decision-making policies and procedures.

Signed

July 18, 2016

Louis W. Uccellini

Date

Assistant Administrator for Weather Services

1. Introduction:

1.1 To support its mission, the National Oceanic and Atmospheric Administration (NOAA), National Weather Service (NWS) obtains environmental data from non-federal sources, hereafter “external parties,” under a variety of agreements. In so doing, NWS agrees to terms of use which may include certain restrictions on its use of this data. NWS agreement to standard terms of use for data obtained through the Internet and used in NWS products also constitutes a data agreement and is subject to this policy directive.

1.2 NWS makes data in its possession available to the public without restriction, to the extent practical within resource constraints. NWS’s commitment to open and unrestricted data may be affected whenever NWS agrees to terms of use for data obtained from external parties that include restrictions on dissemination.

1.3 The NWS Office of the Chief Operating Officer (OCOO) is the NWS focal point for issues regarding data rights and other terms and conditions of use in the development of data agreements and develops procedural directives and/or supplements as required to fully implement this directive.

2. Objective: This directive establishes NWS policy and responsibilities for data sharing agreements with external parties.

2.1 NWS seeks to maximize the public value of environmental data obtained from external parties by negotiating the least restrictive terms of use possible. In deciding to obtain data from external parties, NWS will consider its mission requirements, its commitment to open and unrestricted data, and the cost of obtaining the data, especially if costs increase in order to obtain data without restrictions.

2.2 NWS recognizes that the legitimate proprietary interests of external parties may require certain restrictions under the terms of use of data agreements. NWS will ensure compliance with the terms of use of data agreements with external parties.

3. Relevant Policies and Directives:

3.1 This policy directive does not contravene or serve in the place of Federal, Department of Commerce, NOAA, and NWS policies which apply to specific kinds of data agreements, e.g., contract, grant, or license agreement. This policy directive supplements these policies and regulations. In particular, this policy directive does not contravene or replace: 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 Document Information Technology Systems, and the NOAA Acquisition Handbook. NWS will ensure compliance with these and other Federal, Department of Commerce, NOAA, and NWS information security policies and standards.

3.2 This policy directive does not apply to data sharing agreements involving classified information.

3.3 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 external parties, including NWS Directives 60-6 Information Technology Privacy Policy, 60-7 Information Technology Security Policy, and 1-10, Managing the Provision of Environmental Services. Data sharing agreements that result in the shared information being disseminated by NWS to external parties or that may change important characteristics of NWS products may be governed by NWSPD 1-10 and may require public notification and consultation, a public comment period, and equity in providing the same information to other similar entities.

3.4 This policy directive does not alter or reassign specific NWS responsibilities established by other policies regarding information management and information systems. The NOAA Assistant Chief Information Officer for Weather Services (ACIO) is the NWS official responsible for information management policy and information security. All NWS information systems are managed by an Authorizing Official who is responsible for approving the use of that system to exchange data and information.

4. Authorities and Responsibilities:

This directive establishes the following authorities and responsibilities:

4.1 The Assistant Administrator for Weather Services, the Deputy Assistant Administrator, the Chief Operating Officer, the ACIO for Weather Services, and the Director of the Office of Planning and Programming for Service Delivery have the authority to approve data agreements and to commit the NWS to the terms of use under such agreements with external parties and to assume, on behalf of the NWS, any risk from non-compliance with restrictions on NWS use of data. In this role, this official is referred to as the Data Agreement Approving Official (DAAO). The head of the office that is negotiating an agreement should assume the role of DAAO. Agreements being negotiated by multiple offices, or agreements that are being signed by the Assistant Administrator or Deputy Assistant Administrator for Weather Services, require the respective offices to determine which official will serve as the DAAO. DAAOs may develop supplements to data agreements under their purview in order to implement this policy, subject to the following:

4.1.1 The DAAO's authority to approve data agreements and to commit the NWS to the terms of use under such agreement may be delegated for data agreements that do not place restrictions on NWS's use of the data and that have no budgetary impact (i.e., cost).

4.1.2 The authority to negotiate with external parties and implement approved data agreements may be delegated to a person under the authority and supervision of a DAAO. In this role, this individual is referred to as the Data Acquisition Officer (DAO). The DAAO should designate a DAO for each data agreement. The DAO may be the same individual for multiple agreements or

a different individual for each agreement.

4.2 DAAOs who exercise the authorities established above will:

4.2.1 Follow policies and regulations which apply to the specific kind of data agreement they approve, including NWS policy for acquisition of technology as set forth in NWSPD 1-11.

4.2.2 Follow relevant NWS governance policies and procedures for corporate decision-making.

4.2.3 Ensure that, prior to approval, each data agreement is evaluated regarding the:

4.2.3.1 Importance of the data to the NWS mission. The DAAO shall determine if the need for the data constitutes a requirement that warrants review and approval by the Mission Delivery Council;

4.2.3.2 Terms of use and any restrictions on NWS use of data;

4.2.3.3 Costs of implementing the data agreement;

4.2.3.4 Compatibility of the data agreement with NWS information management policies and operational systems; and

4.2.3.5 Relevance of NWS and NOAA policies and directives.

4.2.4 Ensure that NWS has the resources to comply with the terms of use of any data agreements they approve.

4.2.5 Consult with the NOAA ACIO for Weather Services, the NWS Office of the Chief Operating Officer, and the Office of Planning and Programming for Service Delivery as needed, prior to approving data agreements that place restrictions on NWS use of data in order to ensure that the data agreement is compatible with NWS information management and data sharing policies.

4.2.6 Consult with the system Authorizing Official(s) for the system(s) involved in the data exchange, as needed, prior to approving data agreements.

4.2.7 Obtain the concurrence of the NOAA Office of General Counsel, Weather, Satellites and Research Section (GCWSR) prior to approving data agreements that place restrictions on NWS use of data or agreements that have a cost to NWS.

4.2.8 Provide information about every data agreement that they approve on behalf of NWS to the Office of the Assistant Chief Information Officer (OACIO) (see 4.3 below). This responsibility may be delegated, for example, to the Data Acquisition Officer. The DAAO or his/her representative will maintain a permanent file for each data agreement. At a minimum, the permanent file should contain the original version of the signed data agreement and any evaluation of the agreement as set forth in 4.2.3.

- 4.3 The NOAA ACIO for Weather Services or his/her designated representative will:
 - 4.3.1 Establish and maintain an inventory of all NWS data agreements and develop a system and procedures to collect and share information about data agreements;
 - 4.3.2 Respond to requests for guidance regarding data agreements that place restrictions on NWS use of data being exchanged;
 - 4.3.3 Maintain a list of all NWS systems involved in data exchange and the respective system Authorizing Officials; and
 - 4.3.4 Serve as the NWS authority regarding terms and conditions addressing information security within any data agreement.
- 4.4 All NWS employees will honor the terms of data agreements promulgated under this policy directive.
5. Measuring Effectiveness: Effectiveness of this directive will be measured by the following:
 - 5.1 The number of approved data agreements that satisfy the requirements of this policy directive.
 - 5.2 The number of claims made by external parties that NWS has failed to honor the terms of use under their data agreements with NWS.
 - 5.3 The establishment of an inventory and system for collecting and sharing information about all NWS data agreements with external parties.
6. References: This policy directive is supported by a glossary of terms (Appendix A) and references (Appendix B.)

Glossary of Terms and References

Glossary of Terms (as applied in this policy directive)

Data Agreement – Any form of agreement used by NWS to obtain environmental data from external parties, 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.

Data Agreement Approving Official (DAAO) – NWS official who is authorized to commit NWS to the terms of data agreements used to obtain environmental data from non-federal sources by exercising authorities and responsibilities established in Sections 4.1 and 4.2 of the Directive. The DAAO is responsible for ensuring that each data agreement is evaluated regarding: importance of the data to the NWS mission; terms of use and any restrictions on NWS use of data; costs; compatibility with NWS information management policies and systems; and relevance of other NWS and NOAA policies and directives.

Data Acquisition Officer (DAO) – NWS official who is delegated by the DAAO to negotiate and implement a data agreement. The DAO also is responsible for maintaining files and for keeping information about the data agreement up to date. The DAO assists the DAAO in evaluating terms of use, including restrictions, security controls, costs, and other aspects of a data agreement.

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.

APPENDIX A

References and Relationship to other NOAA and NWS Directives

This policy directive was developed in accordance 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 10-1302, Requirements and Standards for NWS Climate Observations - 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 provides implementation instructions for this policy directive:

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