

IHB File N° S3/1401/WG

CIRCULAR LETTER 6/2001
30 January 2001

AMENDMENT OF RESOLUTION A 6.9
RELEASE OF TIDAL DATA TO COMMERCIAL ORGANIZATIONS

References: 1. CL 53/1992
 2. CL 39/1994
 3. CL 64/1994

Dear Sir,

The present version of Resolution A 6.9, which deals with the release of tidal data to commercial organizations, was adopted in 1994 (cf. References 2 and 3 above) and subsequently included in a reprint of the Repertory of Resolutions.

During its last meeting the IHO Tidal Committee reviewed this Resolution as some Member States had encountered problems applying the Resolution when dealing with commercial organizations. To clarify matters, the Committee recommended to amend the paragraphs 1.4.5 and 1.4.6 to read as follows (changes are indicated in italics):

1.4.5 *In addition to the products outlined above, Hydrographic Offices should have the right to produce, market and distribute any tide related products.*

1.4.6 Where applicable, commercial organizations should be allowed to distribute *official tide related* products with the permission of the producing Hydrographic Office.

Member States are kindly requested to complete the attached Voting Form and return it to the Bureau **no later than 15 April 2001.**

Thank you for your cooperation

VOTING FORM
(to be returned to the IHB, duly filled out by 15 April 2001)

The Directing Committee
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Member State

Date of reply

IHO RESOLUTION A 6.9
RELEASE OF TIDAL DATA TO COMMERCIAL ORGANIZATIONS

We agree with the proposed amendments of paragraphs 1.4.5 and 1.4.6 of Resolution A 6.9:

YES

NO

Comments:

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A 6.9 RELEASE OF TIDAL DATA TO COMMERCIAL ORGANIZATIONS

1. Recommendations for a Strategy concerning the Release of Tidal Data to Commercial Organizations

1.1 Definition of a Commercial Organization

A "commercial organization" is an organization which sells or distributes products. *This definition does not refer to national authorities when they sell or distribute products in the context of their duties as a public service.*

1.2 Definition of Tidal Data

The term "tidal data" for this document includes any data leading to and including tidal and tidal stream predictions.

1.3 General considerations

In the interest of safe navigation, effective oil and hazardous material spill response, efficient search and rescue and improved environmental management, the following statements are intended as a framework for Hydrographic Offices to make arrangements with commercial organizations.

As the development of quality-assured tidal predictions is a complicated matter, comprehensive knowledge and experience of tidal theory and practice are absolute prerequisites.

Computer technology can provide valuable support in presenting tidal predictions to users in convenient forms. However, the methods to present such information must be applied in an appropriate manner or data quality may suffer. Some Hydrographic Offices may find it unnecessary to develop all the products which are desired by all users; some development may be left to commercial organizations.

1.4 Recommendations

1.4.1 The Hydrographic Offices should NOT be responsible for the correctness of any predictions developed and distributed by commercial organizations.

1.4.2 Official tidal predictions should be released by Hydrographic Offices only. Hydrographic Offices may, however, authorize recognized institutions to calculate and/or distribute these official predictions. Hydrographic Offices or these institutions authorized by them may release their own harmonic constituents, but not those of other Member States, as may be deemed appropriate.

1.4.3 Any product of a commercial organization should only be supplementary to obligatory official

1.4.6 Where applicable, commercial organizations should be allowed to distribute Hydrographic Office tidal products with the permission of the producing Hydrographic Office.

2. Recommendations for Standards to be applied in connection with the Release of Tidal Data

2.1 Predictions used for primary stations should only be those provided by the Hydrographic Offices, unless *a specific agreement is made between an HO and some other body*.

2.2 For secondary stations, predictions based either on tidal differences or on harmonic constituents may be published, in all cases including the method, source, date of analysis and the relevant primary station. This applies to numerical as well as graphical representation.

2.3 If a Hydrographic Office believes that, by using information obtained from a commercial product, a danger to life, property or the environment may result, the Hydrographic Office should take such action as it may deem appropriate to fulfil its responsibilities in the field of maritime safety. This should not be construed, however, to mean that Hydrographic Offices have responsibilities for inspecting the products of commercial organizations (see Section 3 below).

2.4 Legal matters, matters of copyright and of charges to be paid are different in each country and are very complex. They are left to the discretion of each Member State.

2.5 Commercial organizations developing products *should* be required to state clearly on their products the following:

- I. That the information being presented does not replace obligatory navigation material.
- ii. That where the original data were provided by a Hydrographic Office, a disclaimer should appear that, as the Hydrographic Office has no control over the product, it cannot accept any responsibility for it, except for those parts of the product which are a complete and true reproduction of official predictions issued by the Hydrographic Office.

2.5.1 A sample product may be required to be made available to the Hydrographic Offices responsible and/or to each donating authority prior to distribution, to ensure the imposed conditions are honoured. The Hydrographic Offices concerned should respond within a mutually acceptable time scale.

2.5.2 The data remain the property of the donating agencies.

3. Recommendations for Standards to be applied in connection with the inspection of the products of Commercial Organizations

Inspection of commercial products by Hydrographic Offices *is not recommended* as examination may imply approval with its attendant responsibilities and liabilities.
