

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**In re: Oil Spill by the Oil Rig  
“Deepwater Horizon” in the Gulf  
of Mexico, on April 20, 2010**

**MDL NO. 2179**

**SECTION J**

**Applies to: 15-4143, 15-4146 & 15-4654**

**JUDGE BARBIER  
MAG. JUDGE SHUSHAN**

**ORDER**

**[Regarding Protecting Confidential LDWF Fisheries Commercial and Recreational Fishing License Personal Data]**

Pursuant to Pre-Trial Order Number 13 (“PTO 13”) and this Court’s June 29, 2012 Order Regarding Confidentiality (the “Confidentiality Order”), the Claims Administrator and the State of Louisiana agree that any documents, data or information produced by the Louisiana Department of Wildlife and Fisheries (“LDWF”), pursuant to the request of the Claims Administrator shall be treated as “Confidential.” The parties further agree that for the purposes of this Order (1) the Claims Administrator seeks only the following data: commercial and recreational fishing license personal data and (2) the documents need not be processed to be marked “Confidential” as is generally required pursuant to PTO 13.

This Order constitutes a Court Order within the meaning of the Privacy Act, 5 U.S.C. §522a(b)(11); the Magnuson-Stevens Act, 16 U.S.C. § 1881a(b)(1)(D); the Health Insurance Portability and Affordability Act of 1996 (“HIPAA”) implementing regulations, 45 C.F.R. §164.512(a), e(1)(i); the Drivers Privacy Protection Act, governing vessel registration information, 18 U.S.C. § 2721 *et seq.*; and pursuant to applicable Louisiana law, including the Database Security Breach Notification Law, La. R.S. 51:3071 *et seq.*, and the Fishing and Fish

Industry Licensing law, La. R.S. 56:301 *et seq.*, as well as implementing regulations, LAC 76:I.321.1

Pursuant to Federal Rule of Evidence 502(d), production of any record by the State of Louisiana in this litigation does not waive any Privacy Act protection of that record outside this litigation; any such record produced in this litigation must be strictly protected in accordance with this Order and PTO 13.

Commercial and recreational fishing license personal data was provided by the Louisiana Department of Wildlife and Fisheries (LDWF) to the Deepwater Horizon Economic and Property Damages Settlement (DHEPDS) Claims Administrator, Patrick Juneau, as well as his staff and authorized vendors, under the stipulation that this data be used for the sole purpose of implementing/administering such settlement after entry of an Order by the Court on September 3, 2015 [Rec. Doc. 15320].

Additional settlements with Halliburton Energy Services, Inc. (HESI) and Transocean, Ltd. (Transocean) have since been reached. Michael Juneau was named as Claims Administrator of the HESI/Transocean settlements on October 23, 2015 [Rec. Doc. 15481] and preliminary approval was granted by the Court on April 12, 2016 [Rec. Doc 16183].

An Order was entered on April 19, 2016, granting the DHEPDS Claims Administrator and the HESI/Transocean Claims Administrator approval to share data between the settlement programs, including third-party databases that had been provided to the DHEPDS Claims Administrator and Court Supervised Settlement Program (CSSP); however, the underlying Order associated with the LDWF data limits its use to only the DHEPDS Claims Administrator, Patrick Juneau, as well as his staff and authorized vendors.

It is requested that the commercial and recreational fishing license data provided to the DHEPDS Claims Administrator by LDWF also be made available to the HESI and Transocean

Claims Administrator, his staff, and authorized vendors, under the same terms and conditions set forth in the September 3, 2015 Order [Rec. Doc. 15320], as stated below.

Any of those persons viewing the data under this Order have signed or shall sign a certificate substantially in a form attached as Appendix B to the Confidentiality Order, and the Claims Administrator shall maintain copies of the certificates and a log identifying such recipients. The Claims Administrators shall also provide the Louisiana Attorney General's office and LDWF with a copy of any executed certification upon request. All other applicable portions of PTO 13 are adopted and incorporated herein.

Notwithstanding any state or federal statute or regulation, no agency, officer, employee or attorney of the State of Louisiana shall be subject to any civil or criminal penalty or sanction relating to the disclosure of non-public information, provided that such disclosure is made pursuant to the terms of this Order and PTO 13. All data under this Order shall be maintained in strict confidentiality by the HESI/Transocean Claims Administrator. The HESI/Transocean Claims Administrator and representatives thereof shall be responsible for actions of its agents and subcontractors (if any) and shall take all steps necessary to ensure agents or subcontractors treat the data under this Order as proprietary and confidential. All data under this Order may be subject to federal and state privacy and confidentiality laws, including 18 U.S.C. §2721 *et seq.* and La. R.S. 51:3071 *et seq.*, and the regulations promulgated pursuant thereto. Persons releasing any protected data may be subject to state and federal civil and criminal penalties.

New Orleans, Louisiana, 19th day of July 2016.

  
United States District Judge