

# MTSA/ISPS POLICY ADVISORY COUNCIL

March 15, 2005

## Policy Personnel Conducting Security Audits 52-05 Change 1

FINAL

**Issue:** Who may conduct Vessel and Facility Security audits?

**Discussion:** 33 CFR Subchapter H, Part 105, stipulates that annual audits must be performed by persons having knowledge of methods for conducting audits and inspections, and security, control and monitoring techniques. It also states that they should not have regularly assigned security duties and should be independent of any security measures being audited. (33 CFR 104.415 and 105.415)

Companies are having difficulty finding people in-house who do not have security responsibilities for a vessel and/or facility security plan but have the appropriate background, training, and experience to perform the required annual audit of their security plans.

One solution would be to allow the Facility Security Officer (FSO) of one facility owned/operated by a company to perform the annual audit of the Facility Security Plan (FSP) at another facility owned/operated by the same company as long as s/he does not have security responsibilities at that second facility. A similar provision could be enacted that would allow a Vessel Security Officer (VSO) to conduct audits for other vessels within the company, as long as the VSO does not have security responsibilities on that second vessel.

The flexibility to perform cross audits by VSOs and FSOs would provide qualified, objective personnel who do not have security duties at the specific facility or on the specific vessel where they are auditing the VSP or FSP.

Similar provisions already exist for Vessel and Facility assessments. As provided in 33 CFR 104.300(c), third parties may be used in any aspect of the Vessel Security Assessment (VSA) if they have the appropriate skills and if the Company Security Officer (CSO) reviews and accepts their work. Similar provisions are described in 33 CFR 105.300 (c) with respect to the Facility Security Assessment (FSA).

**Policy:** This policy is intended to support audit procedures documented in a Vessel or Facility Security Plan. If policy contained within this paper opposes approved procedures included in a Coast Guard approved security plan, a vessel or facility is to follow the policy located in such a plan, and make a formal amendment to the plan if necessary. Amendment procedures are located in 33 CFR 104.415(a) and 33 CFR 105.415(a).

33 CFR 104.415(b) and 105.415(b) lists the requirements for personnel conducting internal audits of security measures; unless it is determined that such provisions are impracticable due to the size and nature of the company or the vessel.

In all cases, utilizing a VSO or FSO from one company owned/operated vessel or facility to audit the VSP or FSP at another of the company's vessels or facilities, where they do not have security responsibilities for that vessel or facility, is acceptable. Such arrangements may also be desirable as they contribute to positive benchmarking and the identification and adoption of best practices within the company, by the auditors.

It should also be noted that the ISPS Code prohibits a RSO, that is involved in developing a VSP, from reviewing or approving, on behalf of an Administration, that same VSP.

Consequently, the regulations do not prohibit any third party, including entities that have RSO status abroad, from performing an assessment or audit of a VSP or FSP; as long as they are not responsible for implementing any of the security measures for that individual vessel or facility.

One checklist that may be used by people completing the audits of Vessel Security Plans is the Domestic Vessel Security Plan Verification Guide for MTSA/ISPS Code, located in Navigation and Inspection Circular 04-03 Change 1, Enclosure 7. [http://www.uscg.mil/hq/g-m/mp/pdf/NVIC\\_0403.pdf](http://www.uscg.mil/hq/g-m/mp/pdf/NVIC_0403.pdf)

Facility security auditors may follow the MTSA Facility Compliance Guide, located in Navigation and Inspection Circular 03-03 Change 1, Enclosure 10. [http://www.uscg.mil/hq/g-m/mp/pdf/NVIC\\_0303.pdf](http://www.uscg.mil/hq/g-m/mp/pdf/NVIC_0303.pdf)