



Oil & Gas
Authority

Consultation on OGA supplemental guidance

Disclosure of certain Geophysical Survey Data (created or acquired under an Exploration Licence post-2017)

Date of publication 27 March 2019
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The consultation can be found on the OGAs website: <https://www.ogauthority.co.uk/media/5456/consultation-on-oga-supplemental-guidance-post-2017.pdf>

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1. General information

Purpose of this consultation

To set out, and seek industry views on, the Oil and Gas Authority's (OGA) supplemental guidance on how Geophysical Survey Data acquired or created in 2018, or thereafter, will generally be disclosed by the OGA, and which provides additional information (to that set out in the Reporting and Disclosure Guidance¹) on the reporting of such data.

Unless otherwise specified, capitalised terms in this consultation document have the meanings given to them in the Supplemental Post-2017 Guidance.

Issued: 27 March 2019

Respond by: 27 April 2019

Territorial extent: UK Continental Shelf (UKCS)

Responding to this consultation

The OGA invites written views and comments on the proposed guidance, to be made by 27 April 2019. Your response will be most useful if it is framed in direct response to the questions posed, though further comments and evidence are also welcome.

Please submit your responses by email or post (email preferred).

The OGA has produced a coversheet for responses submitted by email (see Annex 2) and asks that you complete and include it with your response, which should speed up the processing of responses, and help to maintain confidentiality where appropriate.

Written response to the consultation should be sent to:

Sven Larsson

Oil and Gas Authority

AB1 Building

48 Huntly Street

Aberdeen

AB10 1SH

Email: offshore.exploration@ogauthority.co.uk

Representative groups are asked to give a summary of the persons or organisations they represent when they respond.

¹ See section 2

Additional copies:

Other versions of the document in Braille, large print, audio or Welsh can be made available on request. Please contact us using the 'enquiries' details to request alternative versions.

Confidentiality and data protection:

The OGA will aim to publish a summary of the responses to this consultation and its response by 27 May 2019.

The OGA does not intend to publish individual responses to this consultation. However, the OGA is subject to the requirements of the Freedom of Information Act 2000 so if you think any part of your response should be kept confidential, please place such part(s) in a separate annex to your response and include your reasons why this part of your response should not be published. For example, this may include information such as your personal background and experience. Therefore, if you want your personal details to remain confidential, please provide them in the coversheet only "or where specifically asked on the online tool" so that the OGA does not have to edit your response.

If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this.

Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to the OGA to use for its regulatory remit.

Quality assurance

This consultation has been carried out in principle with the government's consultation principles.

If you have any complaints about the consultation process (as opposed to comments about the issues which are the subject of the consultation) please address them to:

OGA Consultation Coordinator

21 Bloomsbury Street

London

WC1B 3HF

Email: ogaconsultationcoordinator@ogauthority.co.uk

2. Introduction

The Energy Act 2016 (**'2016 Act'**) sets out powers relating to the retention of petroleum-related information and samples by relevant persons (as defined therein), reporting them to the OGA and their subsequent disclosure by the OGA.

Relevant to this are, in particular:

- The Oil and Gas Authority (Offshore Petroleum) (Retention of Information and Samples) Regulations 2018 (**'Retention Regulations'**) which came into force on 14 May 2018;
- Section 34 of the 2016 Act (this power commenced in December 2016); and
- The Oil and Gas Authority (Offshore Petroleum) (Disclosure of Protected Material after Specified Period) Regulations 2018 (**'Disclosure Regulations'**) which came into force on 13 August 2018.

In February 2019, the OGA published its Reporting and Disclosure of Information and Samples Guidance (**'Reporting and Disclosure Guidance'**) which sets out the OGA's requirements for the reporting of information and samples acquired or created in 2018 and/or thereafter, and how that information may be disclosed by the OGA in accordance with the Disclosure Regulations.

Whilst a number of the categories of information and samples described in the Reporting and Disclosure Guidance will be acquired or created under an offshore Production Licence, there will also be information (and to a lesser extent, samples) created and acquired under offshore Exploration Licences.

The OGA therefore proposes to publish further guidance to supplement the Reporting and Disclosure Guidance to set out how certain Geophysical Survey Data acquired or created under an Exploration Licence in and/or after 2018 will generally be disclosed by the OGA, and provide additional information on the reporting of such information.

The OGA has recognised the role that good availability of Geophysical Survey Data can play in unlocking value in the UKCS (it has itself acquired and released seismic datasets in 2016 and 2017), yet understands that in most instances the Geophysical Survey Data obtained under Exploration Licences is generally made available on commercial terms. As a result, throughout the process of drafting the guidance, the OGA has engaged with a number of exploration licensees, both through the International Association of Geophysical Contractors (IAGC) and with a small group of production licensees.

That engagement, including around 25 meetings in the past two years, has informed the approach set out in the proposed guidance.

This consultation is to seek industry views on the supplemental disclosure guidance for geophysical data acquired through an Exploration Licence in 2018 or thereafter and its subsequent availability to industry (**'Supplemental Post-2017 Guidance'**).

The OGA is also proposing to publish supplemental guidance in relation to the reporting and disclosure of Geophysical Survey Data acquired or created under an Exploration Licence before 2018; information on that supplemental guidance and its consultation process can be found at: <https://www.ogauthority.co.uk/media/5457/consultation-on-oga-supplemental-guidance-pre-2018.pdf>

3. Main differences between the existing and updated disclosure arrangements

The table below summarises the arrangements currently in place for the disclosure of data (including Geophysical Survey Data) and whether, and if so how, it is proposed this will change as set out in the Supplemental Post-2017 Guidance. This includes the period after which such data may be disclosed, and other terms that may be applicable to that disclosure.

| | | Minimum period after which data may be released by OGA: | |
|---|----------------------|---|---|
| | Data to be disclosed | Current arrangements | Disclosure Regulations/ Supplemental Post-2017 Guidance |
| New Data created or acquired in 2018 and/or thereafter | Final Stack Data | 3 or 5 Years ⁽¹⁾ | 10 Years |
| | Field Data | 3 or 5 Years ⁽¹⁾ | 15 Years |
| | Value Added Data | N/A | N/A |
| Uplifts payable? | | N/A | Not on Released Data |
| User Licence applicable to disclosed data | | OGA User Agreement | NDR User Agreement |
| Copy Charges payable? | | By Requesting Party | By Requesting Party |

(1) As set out in the applicable Exploration Licence clauses; the period may vary depending on the date of grant of the licence.

4. Consultation questions

Disclosure of Final Stack Data

1. The Exploration Licence clauses set disclosure timing at three (3) or five (5) years (depending generally on the date of grant of the licence) for final stack data. The Disclosure Regulations and Supplemental Post-2017 Guidance state that final stack data will be disclosed ten (10) years after the completion of final processing (i.e. the Initial Disclosure Period in respect of Processed Information).

Q1A: Do you agree that this period is reasonable?

Q1B: If you answered 'no' to Q1A, what longer period should the OGA consider? Please provide reasons for any alternative period proposed.

Disclosure of Field (Raw) Data

2. Similar to final stack data, the Exploration Licence clauses set disclosure timing at three (3) or five (5) years for field (raw) data. The Disclosure Regulations and Supplemental Post-2017 Guidance state that field (raw) data will be disclosed fifteen (15) years after the completion of final processing (i.e. the Full Disclosure Period in respect of Original Information).

Q2A: Do you agree that this period is reasonable?

Q2B: If you answered 'no' to Q2A, what longer period should the OGA consider? Please provide reasons for any alternative period proposed.

Disclosure of Value Added Data

3. Value Added Data, being products created after the completion of final processing, have not been and will not be (pursuant to the Disclosure Regulations and Supplemental Post-2017 Guidance) disclosed.

Q3A: Do you agree that allowing value added data products to be retained by the owner will provide them with an incentive to continue to improve the quality and usefulness of the datasets, as well as develop new processing technology and techniques?

Q3B: If you answered 'no' to Q3A, what longer period should the OGA consider? Please provide reasons for any alternative period proposed.

Any other comments

- Q4. Do you have any further comments on the matters raised in this consultation?

5. Impact Assessment and Equality Impact Assessment

The OGA has a general duty under the Equality Act 2010 in carrying out its functions to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equality of opportunity between different groups; and,
- foster good relations between different groups.

Further details can be found at <https://www.equalityhumanrights.com/en/equality-act/equality-act-2010>.


The OGA is proposing an approach that follows the Disclosure Regulations and an assessment of the potential impacts on business from the implementation of the Disclosure Regulations has been considered.

Annex 1: Reporting and Disclosure of Information and Samples: Supplemental Guidance on the Disclosure of Certain Geophysical Survey Data (Created or Acquired under an Exploration Licence Post-2017)

The Supplemental Guidance is available in a separate document located at:

<https://www.ogauthority.co.uk/media/5458/reporting-and-disclosure-of-information-and-samples-supplemental-guidance-post-2017.pdf>

Annex 2: Response coversheet

| | | | |
|---|--|---|--|
|  <p>Oil & Gas Authority</p> | <p>CONSULTATION:</p> <p>Reporting and Disclosure of Information and Samples: Supplemental Guidance on the Disclosure of Certain Geophysical Survey Data (Created or Acquired under an Exploration Licence Post-2017)</p> | | |
| <p>To:</p> | | | |
| <p>YOUR DETAILS</p> <p>Name:</p> <p>Company/Organisation:</p> <p>Position:</p> <p>E-mail address:</p> <p>Address:</p> <p>Representing:</p> | | | |
| <p>CONFIDENTIALITY</p> <p>Please tick below if you consider any part of your response is confidential, giving your reasons why:</p> | | | |
| <p>Nothing</p> | | <p>Name/contact details/position</p> | |
| <p>Whole response</p> | | <p>Company/organisation</p> | |
| <p>Part of the response</p> | | | |
| <p>If there is no separate annex, which parts?</p> | | | |
| <p>If you want any part of your response, your name or your organisation to be kept confidential, can the OGA still publish a reference to the contents of your response including (for any confidential parts) a general summary that does not disclose the specific information or enable you to be identified? YES / NO</p> | | | |
| <p>DECLARATION</p> <p>I confirm that the correspondence supplied with this coversheet is a formal consultation response that the OGA can publish, except as indicated above.</p> <p>However, in supplying this response, I understand that the OGA may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations.</p> <p>If I have sent my response by email, the OGA can disregard any standard e-mail text about not disclosing email contents and attachments.</p> <p>Name:</p> <p>Signed (if hard copy):</p> | | | |



Oil & Gas Authority

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