



Oil & Gas
Authority

Consultation on OGA supplemental guidance

Disclosure of certain Geophysical Survey Data (created or acquired under an Exploration Licence pre-2018)

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Contents

1. General information	3
2. Introduction	4
3. Main differences between the existing and updated disclosure arrangements	5
4. Consultation questions	6
5. Impact Assessment and Equality Impact Assessment	7
6. 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 Pre-2018)	8
7. Annex 2: Response Cover sheet	9

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The consultation can be found on the OGAs website: <https://www.ogauthority.co.uk/media/5457/consultation-on-oga-supplemental-guidance-pre-2018.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 before 2018, 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.

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 response 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 responses 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.

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

¹ See section 2

2. Introduction

Earlier this year, 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 and/or after 2018, and how that information may be disclosed by the OGA in accordance with 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.

The Disclosure Regulations only apply to certain Geophysical Survey Data created or acquired in 2018².

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.

Exploration Licences are granted under the Petroleum Act 1998 ('**1998 Act**') and the licence terms set out obligations and powers relating to the retention of information and samples by the licensee, reporting them to the OGA and their subsequent disclosure by the OGA.

Under each licensee's respective Exploration Licence, the earliest that the OGA may disclose information, including relating to surveys acquired or created by the licensee is:

- (a) three (3) or five (5) years from the date on which:
 - the OGA was due to receive the information, or
 - the OGA actually received the information (if earlier);
- (b) after the licence ceases to have effect, whether because of its termination or revocation or the expiry of the licence period; or
- (c) after the expiry of such longer period as the OGA may determine after considering any representations made by the exploration licensee about the publication of the data.

Therefore, in relation to such information created or acquired before 2018, the licence terms govern the retention, reporting and disclosure of such geophysical information, unless the OGA agrees otherwise.

The OGA intends that in general there should be consistency in the periods after which disclosure of information relating to geophysical surveys carried out under an Exploration Licence may be disclosed with those set out in the Disclosure Regulations, whether created or acquired before during or after 2018.

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 before 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 and numerous versions of the draft guidance, has informed the approach set out in the proposed guidance.

This consultation is to seek industry views on the supplemental disclosure guidance for Geophysical Survey Data acquired through an Exploration Licence before 2018 and its subsequent availability to industry ('**Supplemental Pre-2018 Guidance**').

The OGA is also proposing to publish similar supplemental guidance in relation to the reporting and disclosure of Geophysical Survey Data acquired or created under an Exploration Licence in and/or after 2018; information on that supplemental guidance and its consultation process can be found at: <https://www.ogauthority.co.uk/media/5456/consultation-on-oga-supplemental-guidance-post-2017.pdf>

² Regulation 2(a).

³ The period is set out in the applicable Exploration Licence, and may vary depending on the date of grant of the Exploration Licence.

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 Pre-2018 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	Supplemental Pre-2018 Guidance
Legacy Data Acquired or created pre-2018	Final Stack Data	3 or 5 Years ⁽¹⁾	10 Years
	Field Data	3 or 5 Years ⁽¹⁾	*15 Years ⁽²⁾
	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

Note:

- (1) As set out in the applicable Exploration Licence clauses; the period may vary depending on the date of grant of the licence.
- (2) Where final processing has been determined to be completed in 2009 or earlier, an automatic five (5) year disclosure protection period will be applied to the disclosure timing of Field (Raw) data from 2018.

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 Supplemental Pre-2018 Guidance states 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 Supplemental Pre-2018 Guidance states 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 Protection Extension Period

3. It is proposed that for data that has been determined to have completed final processing in 2009 or earlier that an automatic disclosure protection period be applied for five (5) years from 2018.

Q3A: Do you agree that this period is reasonable?

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

Disclosure of Value Added Data

4. Value Added Data, being products created after the completion of final processing, have generally not been and will not be (under the Supplemental Pre-2018 Guidance) disclosed.

Q4A: 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?

Q4B: If you answered 'no' to Q3A, what longer period should the OGA consider? Please provide reasons for any alternative period proposed.

Any other comments

- Q5: 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>.

While the OGA notes that the retention periods set out in Exploration Licences are 3 or 5 years depending on the applicable licence, it considers it is appropriate to provide for a longer retention period that is in line with the Disclosure Regulations.

There is potential for some distributional impacts in the form of reduced revenues for commercial seismic companies being offset by avoided costs for companies assessing potential prospects.

The OGA considers that such an approach is appropriate – noting that it reflects an incentive period that provides licensees with a return on their completed survey activity, while providing for the collected data to be made available in support of making such data available to others – in order to generate a collective social benefit.

It is anticipated that wider availability of legacy data products at low cost will lead to a higher technical baseline for work done on prospect generation and lead to an increase in the reworking of the data or the uptake of newer data as suggested in the OGA's 'Stewardship Expectations SE-03 Optimum Use of Subsurface Data Implementation Guide for the optimal use of subsurface data.

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 Pre-2018)

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

<https://www.ogauthority.co.uk/media/5459/reporting-and-disclosure-of-information-and-samples-supplemental-guidance-pre-2018.pdf>

Annex 2: Response coversheet

 Oil & Gas Authority	CONSULTATION: Reporting and Disclosure of Information and Samples: Supplemental Guidance on the Disclosure of Certain Geophysical Survey Data (Created or Acquired under an Exploration Licence Pre-2018)		
To:			
YOUR DETAILS Name: Company/Organisation: Position: E-mail address: Address: Representing:			
CONFIDENTIALITY Please tick below if you consider any part of your response is confidential, giving your reasons why:			
Nothing		Name/contact details/position	
Whole response		Company/organisation	
Part of the response			
If there is no separate annex, which parts?			
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			
DECLARATION I confirm that the correspondence supplied with this coversheet is a formal consultation response that the OGA can publish, except as indicated above. 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. If I have sent my response by email, the OGA can disregard any standard e-mail text about not disclosing email contents and attachments. Name: Signed (if hard copy):			



Oil & Gas Authority

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