



North Sea
Transition
Authority

Guidance on the role of Information and Samples Coordinators

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Scope and purpose of this document

1. This guidance document explains the role of an information and samples coordinator pursuant to Chapter 3, section 35 of the Energy Act 2016 ('the 2016 Act') and what the Oil and Gas Authority (the OGA) expects from its interaction with an information and samples coordinator.
2. This document is not a substitute for any regulation or law and is not legal advice.
3. The guidance will be kept under review and be revised as appropriate in the light of experience and developing law and practice and any change to the OGA's powers and responsibilities. If the OGA changes its guidance in a material way, it will publish a revised document.
4. Guidance on how responsible persons¹ should prepare and submit information and samples plans is dealt with in a separate OGA guidance document, 'Guidance on Information and Samples Plans'.²

¹ Defined in section 30(5) of the 2016 Act.

² <https://www.ogauthority.co.uk/news-publications/publications/>

Introduction

On 24 February 2014, Sir Ian Wood published the UKCS Maximising Recovery Review Final Report (the Wood Maximising Recovery Review). Subsequently, the Energy Act 2016 (the 2016 Act) received Royal Assent on 12 May 2016.

Chapter 3 of the 2016 Act contains provisions related to petroleum-related information and samples, including provisions related to the appointment of information and samples coordinators.

It is anticipated that provisions will commence in October 2017 requiring a relevant person to appoint an individual to act as an information and samples coordinator, and to notify the OGA of that individual's name and contact details.

This guidance sets out the obligations on relevant persons relating to information and samples coordinators.

These measures support the OGA in safeguarding information and samples that are required to achieve the principle objective established in the Petroleum Act 1998 of maximising the economic recovery of UK petroleum.

Context

The Wood Maximising Recovery Review, published in February 2014, made recommendations to maximise economic recovery from the UKCS. It noted the need to ensure greater access to timely and transparent data necessary for a competitive market.

The Wood Maximising Recovery Review recommendations were the subject of a consultation process and a response from government that was published in November 2014 under the title 'Implementing the Wood Review Recommendations'.

Subsequently, the 2016 Act sets out provisions that place obligations on relevant persons to appoint an information and samples coordinator to be responsible for monitoring the relevant person's compliance with its obligations under Chapter 3 of the 2016 Act.

The Energy Act 2016: Information and samples

Chapter 3 of the 2016 Act makes provisions in relation to petroleum-related information and petroleum-related samples, including:

- the retention of petroleum-related information and petroleum-related samples by relevant persons (regulations are yet to be put in place)
- the preparation and agreement of information and samples plans in connection with licence events (anticipated to commence in October 2017)
- the power of the OGA to require a relevant person to provide it with petroleum-related information or petroleum-related samples
- the appointment of information and samples coordinators (anticipated to commence in October 2017)

Information and samples coordinators

What is an information and samples coordinator?

Chapter 3, section 35 of the 2016 Act lays out the obligations on relevant persons in relation to information and samples coordinators. Section 35(2) states:

The information and samples coordinator is to be responsible for monitoring the relevant person's compliance with its obligations under this Chapter.

An information and samples coordinator (ISC) is a named individual who is appointed by the relevant person to act as the primary point of contact for communications between the OGA and a relevant person in relation to petroleum-related information and petroleum-related samples obligations under Chapter 3 of the 2016 Act.

The OGA expects to communicate frequently in relation to petroleum-related information and petroleum-related samples.

Communications may either be generic and applicable to all or many relevant persons, or they may be specific to an individual relevant person.

Failure to comply with the obligations imposed under section 35 of the Act is sanctionable in accordance with Chapter 5 of the 2016 Act³.

Who should appoint an ISC?

Section 35(1) of the 2016 Act states that a relevant person must appoint an ISC and notify the OGA of that individual's name and contact details.

Relevant persons are defined in section 9A(1) (b) of the Petroleum Act 1998:

- i) holders of petroleum licences⁴
- ii) operators under petroleum licences⁵
- iii) owners of upstream petroleum infrastructure⁶
- iv) persons planning and carrying out the commissioning of upstream petroleum infrastructure⁷ owners of relevant offshore installations⁸

What are the responsibilities of an ISC?

The OGA expects that an ISC will:

- monitor the relevant person's compliance with its obligations under Chapter 3 of the Act
- be a focal point for communication between the OGA and the relevant person for matters relating to Chapter 3 of the 2016 Act

³ See the OGA's Sanction Procedure for further information: https://www.ogauthority.co.uk/media/2985/oga_sanction_procedure_r.pdf

⁴⁻⁷ Added by Section 41 of Infrastructure Act 2015: <http://www.legislation.gov.uk/ukpga/2015/7/section/41/enacted>

⁸ Added by Section 73(2) Energy Act 2016: <http://www.legislation.gov.uk/ukpga/2016/20/section/73/enacted>

- ensure that all necessary actions are taken by the relevant person to satisfy the requirements of a notice received from the OGA under section 34(1) of the 2016 Act requesting the provision of petroleum-related information or petroleum-related samples
- be accountable for the development and agreement with the OGA of information and samples plans associated with licence events
- ensure that requirements of the 2016 Act relating to petroleum-related information or petroleum-related samples are communicated to, and supported by their organisation
- work with the leaders of all departments and functions within their organisation that create, acquire and hold petroleum-related information or petroleum-related samples to ensure that such information and samples are retained and reported in accordance with the requirements of Chapter 3 of the 2016 Act

The role of an ISC

The OGA does not seek to define the precise skills profile of the ISC or to provide a specific job description for the role. Rather it is for the relevant person to determine based on their obligations under Chapter 3 of the 2016 Act in respect of petroleum-related information and petroleum-related samples.

When appointing the ISC a relevant person should consider the nature, range and scale of those obligations.

The role of the ISC combines aspects of several organisational roles recognised across industry, including compliance manager, audit manager and information manager. The role may require frequent

and potentially robust interactions with the leadership and staff of multiple business departments and functions.

The role of the ISC may or may not be a full-time post, depending on the nature of a relevant person and the scale of its operational activities in the UKCS.

Notification to the OGA of the appointment of an ISC

Relevant persons are required, by the 2016 Act, to appoint an individual to act as the ISC, and to notify the OGA of that individual's name and contact details.

In addition to the contact details of the named individual the OGA encourages relevant persons to make available the details of a shared email "mailbox" for ISC correspondence that can be monitored by more than one authorised individual. The intention is to include both the ISC and the shared mailbox in communications.

Relevant persons should notify the OGA of the appointment of a new ISC, or a change to the details of an existing ISC, by email to the mailbox ISC@ogauthority.co.uk.

A relevant person must notify the OGA within a reasonable period after:

- a) the date on which section 35 of the 2016 Act comes into force;
- b) becoming a relevant person; or
- c) there is any change in the identity or contact details of the ISC

The OGA does not approve the appointment of an ISC however the OGA will confirm receipt of new or updated ISC contact information by email and/or letter to the relevant person, and will copy such confirmation to the ISC as appropriate.

A complete notification includes the information below:

Relevant person information
1. Company name:
2. Company registered office:
3. Company postal address:
4. Company main telephone number:
5. Company ISC group mailbox:
Is the company⁹:
1. A petroleum licensee? (yes/no) If yes, provide details.
2. A petroleum licence operator? (yes/no) If yes, provide details.
3. An owner of upstream petroleum infrastructure? (yes/no) If yes, provide details.
4. A person planning and carrying out the commissioning of upstream petroleum infrastructure? (yes/no) If yes, provide details.
5. An owner of a relevant offshore installation? (yes/no) If yes, provide details.
Information and samples coordinator information
1. ISC name:
2. ISC work postal address:
3. ISC email:
4. ISC direct telephone number:

⁹See 'Who should appoint an information and samples coordinator?' on page 8.

When will the OGA contact an ISC?

The ISC is the primary point of contact between the OGA and relevant persons for matters related to Chapter 3 of the 2016 Act.

Notices from the OGA requiring a relevant person to provide petroleum-related information or petroleum-related information and samples under section 34 of the 2016 Act (a section 34 Notice) will be addressed directly to the relevant person, however in most circumstances the OGA will endeavour to send a copy of such notice to the ISC simultaneously.

A responsible person must prepare an information and samples plan in connection with a licence event. The OGA would expect the ISC to be accountable for the development and agreement with the OGA of such plans. See the OGA's 'Guidance on information and samples plans' for further information.

Key aspects of communications between the OGA and the ISC will include:

- routine reporting of petroleum-related information and petroleum-related samples
- development and agreement of information and samples plans
- ad-hoc queries from the OGA in relation to information and samples

Appendix A: Provisions of the Energy Act 2016 relevant to information and samples coordinators

Chapter 3, section 35 of the 2016 Act states:

35. Information and samples coordinators

1. A relevant person must—
 - a) appoint an individual to act as an information and samples coordinator, and
 - b) notify the OGA of that individual's name and contact details.
2. The information and samples coordinator is to be responsible for monitoring the relevant person's compliance with its obligations under this Chapter.
3. A relevant person must comply with subsection (1) within a reasonable period after—
 - a) the date on which this section comes into force, if the person is a relevant person on that date, or
 - b) becoming a relevant person, in any other case.
4. The relevant person must notify the OGA of any change in the identity or contact details of the information and samples coordinator within a reasonable period of the change taking place.
5. The requirements imposed by this section are sanctionable in accordance with Chapter 5.

Chapter 3 of the Act is available from the following web page:

<http://www.legislation.gov.uk/ukpga/2016/20/part/2/chapter/3/enacted>



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