



North Sea
Transition
Authority

Consultation on information and sample related matters in Carbon Dioxide Appraisal and Storage and Petroleum Licences

Date of publication: 18 January 2023

Closing date: 1 March 2023

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The consultation can be found on the NSTA's website [here](#).

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Published by the North Sea Transition Authority

General information

Purpose of this consultation

This document seeks views on the principle of disclosing information and samples reported to the North Sea Transition Authority ('NSTA') from carbon storage activities under a carbon dioxide appraisal and storage licence ('**CS licence**'), on the principle of having Information and Samples Plans ('**ISPs**') and Information and Samples Coordinators ('**ISCs**') for CS licences, and on the principle of an NSTA general data gathering power.

This document also seeks views on the NSTA requesting information and samples from carbon storage licensees that are different in type to those currently requested from petroleum licensees.

Issued: 18 January 2023

Respond by: 1 March 2023

Territorial extent: United Kingdom and United Kingdom Continental Shelf ('**UKCS**')

Responding to this consultation

The NSTA invites written views and comments on the principle of disclosing information and samples reported to the NSTA from carbon storage licensees, to be made by 1 March 2023. 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.

The NSTA has produced a coversheet for responses (see Annex 1) 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:

NSTA CS Data Disclosure Consultation
North Sea Transition Authority
Sanctuary Buildings
20 Great Smith Street
London
SW1P 3BT

Email:

Informationandsamples.consultation@NSTAAuthority.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 NSTA will aim to publish its response, including a summary of the feedback received, to this consultation in mid-2023.

The NSTA does not intend to publish individual responses to this consultation. However, the NSTA 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 so that the NSTA 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 NSTA to use for its regulatory remit.

Quality assurance

This consultation has been carried out in line 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:

NSTA Consultation Coordinator
Sanctuary Buildings
20 Great Smith Street
London
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Email: consultationcoordinator@nstauthority.co.uk

Introduction and background

1. The North Sea Transition Authority (**'NSTA'**) regulates and influences the UK oil, gas and carbon storage industries and helps drive economic production and energy transition.
2. The NSTA has powers to require the retention and reporting of petroleum related information and samples, and to subsequently disclose petroleum related information and samples.
3. The NSTA uses these powers to require the reporting of petroleum related information and samples by petroleum licensees (and other 'Relevant Persons' as defined in the Energy Act 2016 (the '**2016 Act**')), and to disclose the reported information and samples publicly following a pre-defined confidentiality period. It is the intent that similar data gathering powers should apply to CS licences. The NSTA is consulting on the principle of similar powers to ensure information and samples from carbon storage activities may be disclosed, after an appropriate period of confidentiality.
4. Retaining, reporting and disclosing of information and samples created or acquired in pursuit of licence activity is widely regarded as valuable by the petroleum and carbon storage industries.
5. Petroleum information reported to the NSTA is disclosed, following the relevant period of confidentiality, via the National Data Repository (NDR), which contains data dating back to the first petroleum licences. The NSTA also disclose some data types via the NSTA's Data Centre. Geological samples, in the form of core and cuttings are reported to the NSTA and curated by the British Geological Survey. It is hoped that CS licensees can contribute to this valuable national data asset.
6. The regulation for retention, reporting and disclosure of information and samples from activities occurring on an offshore petroleum licence is governed by the 2016 Act, and by secondary legislation. The types of information and samples that are required to be retained, reported and disclosed, and the form and manner in which they should be reported is set out in detailed guidance.
7. The Energy Act 2008 established a licensing framework for the storage of carbon dioxide, putting in place necessary requirements and controls for carbon storage, with the NSTA established as the carbon storage licensing authority.
8. Government's ambitions for carbon storage have significantly increased since the Energy Act 2008 was introduced. New information and samples disclosure powers are now needed to ensure that the NSTA can better support the UK government's commitment to reach net zero emissions by 2050 and a home-grown carbon storage industry.

Consultation questions

Principles of data retention, reporting and disclosure

- Q1** Do you agree that in principle similar data gathering powers should apply to CS licences as are currently in place for petroleum licences?
- Q2** Do you agree that in principle, information and samples from carbon storage activities that are reported to the NSTA should be disclosed following a period of confidentiality?
- Q3** Do you agree that the disclosure of carbon storage information and samples by the NSTA would be of benefit to the carbon storage industry and also to the petroleum industry and other users of, or those with an interest in, the UKCS?
- Q4** Do you have any comments on the principle of disclosure of carbon storage related information and samples by the NSTA?
- Q5** Do you have any comments on specific information and samples that should be retained, reported and disclosed from carbon storage related activities (e.g. from a specific tool, operation or activity that is specific to carbon storage)?

Information Samples Plans and Information and Samples Coordinators

- Q6** Do you agree in principle that there is a benefit in having Information and Samples Plans, similar to those required in respect of petroleum data, for CS licences?
- Q7** Do you agree in principle that there is a benefit in having Information and Samples Coordinators for CS licences?
- Q8** Do you agree that in principle, operator changes (both Exploration Operator and Storage Operator) should require an ISP for CS licences?
- Q9** Do you agree that in principle, a change of control should require an ISP for CS licences?
- Q10** Do you agree that in principle, licence subarea operator changes should require an ISP for petroleum licences?
- Q11** Do you agree that in principle, a change of control should require an ISP for petroleum licences?

Principles of NSTA general data gathering power

- Q12** Do you agree that in principle the NSTA should have a general information gathering power related to its functions?
- Q13** Are there any restrictions and/or limitations on the exercise of such a general information gathering power you consider would be appropriate?

Principle of data retention, reporting and disclosure

9. There are existing regulations and supporting guidance in place which require petroleum licensees (and other Relevant Persons as defined in the 2016 Act) to retain and report petroleum related information and samples. There are regulations and supporting guidance in place which enable the NSTA to disclose some of the reported information and samples from petroleum licences.
10. The Retention of Information and Samples Guidance¹ and the Reporting and disclosure of Information and Samples Guidance² specifies the types of information and samples that are required to be retained, reported and may be disclosed, and the form and manner in which information and samples should be reported. These include (among others):
- well information;
 - physical samples (such as cores, cuttings, oil and gas fluid samples, thin sections, formation water samples);
 - geophysical survey information;
 - production information;
 - other licence information;
 - upstream petroleum infrastructure and relevant offshore installation information;
 - pipeline information; and
 - transition arrangements.
11. The intention is that the regime applicable to CS licences will align with the regulations^{3 4} applicable to petroleum licences. The NSTA is consulting on the principle of similar powers to ensure these information and samples may be disclosed, after an appropriate period of confidentiality.
12. Disclosure of carbon storage information and samples after a pre-defined confidentiality period will be advantageous to the carbon storage and petroleum industries and all those with an interest in UKCS subsurface data. Such disclosure will function as a common body of information and samples that will allow all parties in those industries to be able to use information and samples collected by others to progress the industry quicker than it would without the sharing of information and samples. Simply put, public access to information and samples acquired in pursuit of petroleum or CS licences is of mutual

¹ <https://www.nstauthority.co.uk/media/8016/guidance-on-retention-of-information-and-samples-may-2018.pdf>

² <https://www.nstauthority.co.uk/media/8012/guidance-on-reporting-disclosure-august-2021-final.pdf>

³ <https://www.legislation.gov.uk/uksi/2018/514/contents/made>

⁴ <https://www.legislation.gov.uk/uksi/2018/898/contents/made>

benefit to both types of licensee and also of value to other users of the UKCS and as such the obligations should be comparable.

samples that should be sought by the NSTA to be retained, reported and subsequently disclosed under CS licences, in particular any data types that are not currently retained, reported, and disclosed under petroleum licences.

13. The NSTA is also interested to understand whether there are additional types of information and

Q1 Do you agree that in principle similar data gathering powers should apply to CS licences as are currently in place for petroleum licences?

Q2 Do you agree that in principle, information and samples from carbon storage activities that are reported to the NSTA should be disclosed following a period of confidentiality?

Q3 Do you agree that the disclosure of carbon storage information and samples by the NSTA would be of benefit to the carbon storage industry and also to the petroleum industry and other users of, or those with an interest in, the UKCS?

Q4 Do you have any comments on the principle of disclosure of carbon storage related information and samples by the NSTA?

Q5 Do you have any comments on specific information and samples that should be retained, reported and disclosed from carbon storage related activities (e.g. from a specific tool, operation or activity that is specific to carbon storage)?

Principles of Information Samples Plans and Information and Samples Coordinators

14. In addition to the requirements to retain, report and disclose information and samples, petroleum licensees are also required to complete an Information Samples Plan⁵ ('ISP') for defined licence events and have an Information and Samples Coordinator⁶ ('ISC') in place. These are required by the 2016 Act, with further detail set out in secondary legislation.
15. The NSTA proposes to implement the requirement for ISPs and ISCs for carbon storage licensees broadly in line with the requirements for petroleum licensees and other Relevant Persons, as defined in the 2016 Act, including a similar right of appeal. These requirements have been invaluable in ensuring greater access to timely and transparent data under petroleum licences necessary for a competitive market.
16. An ISP helps ensure that the risks of loss associated with the transfer of information and samples at the time of a licence event are reduced and to check that all reporting obligations will be fulfilled. Well prepared and executed ISPs are therefore critical for continuing safe operations and to support the principal objective established in the Petroleum Act 1998.
17. An ISC is a named individual who is appointed to act as the primary point of contact for communications with the NSTA in relation to petroleum-related information and petroleum-related samples obligations under Chapter 3 of the 2016 Act.
18. We are consulting on the principle of a requirement for ISPs for CS licences at the following licence events:
 - a) transfer of rights in the licence, e.g. assignments (as per petroleum licences)
 - b) surrenders and partial surrenders during the Initial or Appraisal Term (as per petroleum licences)
 - c) Exploration Operator changes. The Exploration Operator refers to the operator of the CS licence during the Initial or Appraisal Term (as per Initial Term for petroleum licences).
 - d) Storage Operator changes. The Storage Operator refers to the operator of the CS licence during the storage permit phase, defined as 'Operator' in the Storage of Carbon Dioxide (Licensing etc.) Regulations 2010). As per Second (field development phase) and

⁵ https://www.nstauthority.co.uk/media/4222/171002_oga-guidance-on-information-and-samples-plans.pdf

⁶ https://www.nstauthority.co.uk/media/4221/171002_oga-guidance-on-information-and-samples-coordinators.pdf

Third (production phase) Term petroleum licences.

- e) expiry of a licence at the end of the Initial or Appraisal Term
- f) revocation of a licence during the Initial or Appraisal Term

- g) revocation of a storage permit
- h) Change of control of the licensee, e.g. a change of corporate control due to, for example, a company takeover (N.B. new for CS licences)

Q6 Do you agree in principle that there is a benefit in having Information and Samples Plans, similar to those required in respect of petroleum data, for CS licences?

Q7 Do you agree in principle that there is a benefit in having Information and Samples Coordinators for CS licences?

Q8 Do you agree that in principle, operator changes (both Exploration Operator and Storage Operator) should require an ISP for CS licences?

Q9 Do you agree that in principle, a change of control should require an ISP for CS licences?

Principles of additional requirements for ISPs for petroleum licences

19. We are also consulting on the principle of a new requirement for ISPs for the following licence events for petroleum licences:

- a) Licence subarea operator and/or field operator changes - An ISP at the time of a licence subarea or field operator change (these most often occur at the same time as a transfer of rights, though can occur

standalone). Operator changes introduce a risk of data loss as data held by the existing operator is required to be transferred to the new operator as they become responsible for retention of licence related information and samples. An ISP would help mitigate that risk of data loss

- b) Change of control – A change of corporate control due to, for example, a company takeover.

Q10 Do you agree that in principle, licence subarea operator changes should require an ISP for petroleum licences?

Q11 Do you agree that in principle, a change of control should require an ISP for petroleum licences?

Principles of NSTA general data gathering power

20. Through the NDR and the NSTA Data Centre, the NSTA is ensuring industry, academia and the wider public have ready access to timely and transparent data. This data creates the conditions for the investment and innovation necessary to support energy security and to enable the energy transition.
21. The NSTA is taking this opportunity to seek representations on the principle of a general information gathering power, together with associated safeguards, whereby the NSTA could request information in a required format that is relevant and proportionate for it to exercise any of its statutory functions. This will build on these earlier initiatives.
22. The NSTA does not currently have such a general information gathering power. This can lead to disjointed and uncoordinated information gathering which limits the NSTA's ability to regulate effectively across all its various functions and licences.
23. The NSTA considers that such a general power would better support the NSTA's functions and align with the information gathering regimes of other regulators, such as Ofcom and Ofwat.
24. The safeguards intended would likely reflect those on other regulators in similar circumstances – such that the NSTA would only be able to request information that is relevant, do so in a proportionate manner, and would have to specify why the NSTA required the information.
25. Also, there would likely be limited gateways to provide for the further disclosure of such information as is currently the case for certain information under the Energy Act 2016, section 61 onwards.
26. This approach would avoid some of the restrictions and limitations which currently exist, for example in the oil and gas data provisions, where sometimes necessary information cannot be required by the NSTA.
27. It would put the NSTA in a position where it could ensure that it was able to collect relevant data from licensees and others which is critical to the progression of the energy industry and transition, including technical, financial and regulatory and other data.

Q12 Do you agree that in principle the NSTA should have a general information gathering power related to its functions?

Q13 Are there any restrictions and/or limitations on the exercise of such a general information gathering power you consider would be appropriate?

Next steps

28. This consultation closes on **1 March 2023**. The NSTA will consider the feedback received and if applicable will explore possible legislative vehicles for implementing these powers.

29. This consultation forms part of the NSTA re-examining its data gathering powers, including information and

samples powers. It compliments other steps, such as the proposed NSTA mergers and acquisitions guidance on licence assignments as well as the proposed new change of control measures set out in the Energy Security Bill. The NSTA intends to launch a formal consultation on the guidance on the conduct of licence assignments in early 2023.

Regulatory Impact Assessment and Equality Impact Assessment

The Energy Act 2016 outlines the preparation and agreement of Information and Samples Plans (ISPs) and provision of Information Sample Coordinators (ISCs). The NSTA expects that ISPs should be no more onerous than the existing plans made to facilitate the transfer of information and samples between two parties, who are following commonly accepted industry best practice. Therefore, the NSTA expects that the burden on industry on account of an ISP will be minimal, as licensees were already required to hold and transfer data under their licence obligation.

It is also anticipated that there will be no additional burden due to naming ISCs as they are expected to be named from within the organisation and companies are not expected to appoint any specially designated personnel for this role. It is anticipated that there will be a minimal cost to businesses to familiarise themselves with the guidance.


This consultation seeks views on the proposals for retention and disclosure of information and samples related to carbon storage and invites views and evidence on the potential impacts (costs and benefits) on business of the regulations.

The NSTA 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>.

Annex 1: Response coversheet

 North Sea Transition Authority	CONSULTATION ON INFORMATION AND SAMPLE RELATED MATTERS IN CARBON DIOXIDE APPRAISAL AND STORAGE AND PETROLEUM LICENCES
To: CS Data Disclosure Consultation	
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	<input type="checkbox"/>
Whole response	<input type="checkbox"/>
Part of the response	<input type="checkbox"/>
If there is no separate annex, which parts?	
Name/contact details/position	
Company/organisation	
If you want any part of your response, your name or your organisation to be kept confidential, can the NSTA 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 NSTA can publish, except as indicated above.	
However, in supplying this response, I understand that the NSTA 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 NSTA can disregard any standard e-mail text about not disclosing email contents and attachments.	
Name:	
Signed (if hard copy): _____	



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www.nstauthority.co.uk