



Oil & Gas Authority

21 Bloomsbury St

Ruth Hayhurst

By email to: request-532244-c5b6085d@whatdotheyknow.com

Our ref: FOI-2018-0074

15 January 2019

Dear Ms Hayhurst,

Thank you for your email of **13 November 2019** in which you requested:

"Dear Oil and Gas Authority,

Please provide all documents and correspondence between the Oil and Gas Authority and Angus Energy about the flow test operation at the Lower Stumble oil exploration site in Balcombe, West Sussex. To limit the scope of the request, I'd be grateful if you would provide documents and correspondence between the dates 1 September 2018 and 10 November 2018."

1. We have considered your request under the Freedom of Information Act 2000 ('**FOIA**') and, where relevant, the Environmental Information Regulations 2004 ('**EIRs**').
2. Please find attached four (4) documents, which relate to the flow test operation at Balcombe oil well.
3. You will note some of the information disclosed has been redacted from these documents. While the OGA strives to disclose as much information as we are able, some of the information in the provided information is exempt from disclosure under one or more of the exemptions/exceptions in FOIA and/or the EIR.
4. The information which falls within the scope of your request includes the exact costs, financial arrangements and technical definitions and other details of the operations at the Horse Hill 1 well. Some of this information is being withheld under:
 - i) Sections 40(2) and (3) FOIA (*Personal information*)
 - ii) Section 43(2) FOIA (*commercially confidential*)and, where applicable, :
 - i) Regulation 13(1) EIR (*Personal data*)
 - ii) Regulation 12(5)(e) EIR (*commercially confidential*)



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5. An explanation of the reliance on each of these exemptions/exceptions is set out below.

(i) Section 40(2) and 40(3) FOIA and Regulation 13(1) EIR (personal data)

6. Contained within some of the documents are names and contact details of a number of individuals. This information is being withheld under *sections 40(2) and 40(3A) FOIA and Regulation 13(1) EIRs*. *Section 40(2)* provides that personal data is exempt from if one of the conditions in *Section 40(3A)* is satisfied. One of the conditions in *Section 40(3A)* is a breach of any of the data protection principles in the *Data Protection Act 2018 ('DPA')*. The data protection principles include that any processing of personal data must be fair and lawful. The provisions of *Section 13 EIRs* mirror those of *Section 40(2) FOIA*.
7. The OGA considers that disclosure of the names and contact details of the individuals would breach the principles of fairness and lawfulness. The individuals whose details have been withheld have and are entitled to an expectation of privacy. In any event, the relevant individuals have not consented to their personal data being disclosed.
8. As such, disclosure would meet neither the fair nor lawful processing principles. In light of this, the personal data is being withheld under *Sections 40(2) and 40(3A) FOIA and Regulation 13(1) EIR*.

(ii) Section 43(2) and Regulation 12(5)(e) EIRs (commercially confidential)

9. *Section 43(2) FOIA* provides that information is exempt from disclosure if disclosure would, or would be likely to prejudice the commercial interests of any person (including the public authority holding it). *Regulation 12(5)(e) of the EIRs* provides that a public authority may refuse to disclose information to the extent the confidentiality of commercial or industrial information where such confidentiality is provided by law to protect a legitimate economic interest.
10. The OGA is withholding information in respect of the exact flow and production rates, under *Section 43(2) FOIA and Regulation 12(5)(e) EIR*.
11. One of the functions of the OGA is to regulate the oil and gas industry. In exercising its regulatory functions, the OGA considers requests for operations and the details submitted with them.
12. Disclosure of the exact flow and production rates would, or would be likely to, alert the competitors of this company and its partners as to how Angus conduct their operations. It also would or would be like to disclose the likely returns that Angus are expecting to get from the well and allow them to be undermined - for example, by creating an inaccurate picture of the production and profits that could be made from the well, which could adversely affect Angus' share price immediately or in the future.



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Disclosure of this information would or would be likely to affect investment in Angus in light of the likely returns.

13. This would or would be like to weaken Angus' position in a highly competitive environment.

Public Interest

14. In withholding the requested information, the OGA has considered whether the public interest in withholding the information is outweighed by the public interest in disclosing the requested information.
15. The OGA acknowledges that disclosure of the requested information can lead to greater transparency and enhanced scrutiny of public authorities. However, the need and desire for greater transparency must be balanced against the need to protect the commercial interests of companies and the OGA's objective of having an effective system of regulation and energy supply.
16. The OGA considers that the public interest in withholding the requested information outweighs the public interest in disclosing the requested information as disclosure would likely impact negatively on the ability of the UK to attract investment in hydrocarbon exploration as companies would or would be likely to have concerns about commercially sensitive or otherwise confidential information being disclosed having being submitted to the OGA. Disclosure would or would be likely to affect the stable system of regulation as required by the OGA's MER UK Strategy.
17. This concludes the OGA's consideration of your request.

Appeals procedure

If you are unhappy with the way the OGA has handled your request, you may request an internal review. A request for an internal review should be made within 40 working days of the date of receipt of the response to your request and should be addressed to:

FOI Manager, Oil and Gas Authority, 21 Bloomsbury Street, London, WC1B 3HF.

Email: foirequests@ogauthority.co.uk

Please quote the reference number above in any future communications with regard to this request.

If you are unhappy with the outcome of the internal review, you may contact the Information Commissioner at www.ico.org.uk or at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.



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Yours sincerely,

FOI Officer