



Oil & Gas Authority

21 Bloomsbury Street
London WC1B 3HF

Ada Zaffina

By email to: request-566796-7df1e3ed@whatdotheyknow.com

Our ref: FOI-2019-0028

5 June 2019

Dear Ms Zaffina,

Thank you for your email of **8 April 2019** in which you requested the following:

"Dear Oil and Gas Authority,

On 5 April 2019 Angus announced that they received consent from the OGA for "the forthcoming completion works at Brockham." (link to statement:

<https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.angusenergy.co.uk%2Fwp-content%2Fuploads%2F2019%2F04%2FAngus-Energy-Operations-Update.pdf&data=02%7C01%7Cfoirequests%40ogauthority.co.uk%7C4e5b2d7a1494464a781e08d6bbc54768%7Ce681c59d868e488780face36f1f21b0f%7C0%7C1%7C636902853315032269&data=C2fylqBuc8bBKUDf5NS3CwvPqZFtaHP03jWUulRE0yQ%3D&reserved=0>

I would like to request copies of both: the application and the consent, as well as copied of correspondence relevant to this application/consent."

1. The OGA has considered your requests under the Freedom of Information Act 2000 (**FOIA**) and, where relevant, the Environmental Information Regulations 2004 (**EIR**).
2. Please find attached the information we hold in response to your request:
 - Angus Operator Competency Document
 - Emails between Angus and the OGA
 - Angus application for re-completion
 - OGA WONS consent for re-completion

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Oil and Gas Authority is a limited company registered in England and Wales with registered number 09666504 and VAT registered number 249433979. Our registered office is at 21 Bloomsbury Street, London, United Kingdom, WC1B 3HF.

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- Angus Logging re-perforation summary
 - Emails between OGA and the Health and Safety Executive (HSE) and Environment Agency(EA)
3. You will note some of the information has been redacted as it is exempt from disclosure under one or more of the exemptions/exceptions in FOIA and/or the EIR.
4. Having considered the information which falls within the scope of your request, we consider the information which has been withheld to be exempt under the following exemptions provided for under FOIA:
- Section 40(2) FOIA (*personal data*).
 - Section 43(2) FOIA (*commercially confidential*)

Where applicable, the following EIR exceptions also apply:

- Regulation 12(5)(e) EIR (*commercially confidential*)
- Regulation 13(1) EIR (*personal data*).

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

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

5. The disclosed correspondence contains the names, contact details and biographical 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*.
6. The OGA considers that disclosure of the names, biographical details 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.



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7. As such, disclosure would meet neither the fair nor lawful processing principles. In light of this, this is being withheld under *Sections 40(2) and 40(3A) FOIA* and *Regulation 13(1) EIR*.

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

8. *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) EIR* 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.
9. The OGA is withholding information in respect of details of insurance provider, funding and cover, details of a third-party contractor and details of market capitalisation under *Section 43(2) FOIA* and *Regulation 12(5)(e) EIR*. One of the functions of the OGA is to regulate the oil and gas industry. In exercising its regulatory functions, and in the course of discharging our regulatory functions and as part of the licensee's obligations, the licensee provides the OGA with certain information, however because of the nature and continuity of operations that information is commercially confidential.
10. In particular, disclosure of this information would give Angus' competitors insight into the current status and viability/capacity of their operations and could lead to speculation on productivity, revenues and financial capacity. Such disclosure would likely prejudice the commercial interests of Angus by affecting its ability to continue with those operations in the manner which is envisaged and that then could affect its share price in the short and long term.
11. Disclosure of the details of Angus's contractor(s) and/or agent(s) on this project would also likely discourage third parties from continuing to or working with Angus now and/or in the future, likely negatively impacting on operations and leading to an increase in costs.
12. Furthermore, disclosure of the identity of the insurance provider the level of cover and the policy exclusions, would disclose the terms on which Angus was able to obtain the policy. Such disclosure would be likely to prejudice the commercial interests of Angus by weakening its bargaining position in a competitive environment. Further, disclosure of the requested information would disclose to Angus and the insurer's competitors, the terms on which the



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insurance policy was being provided. This would be likely to, prejudice the commercial interests of Angus and its insurers.

Public Interest

13. 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.
14. The OGA acknowledges that disclosure of the requested information can lead to greater transparency and enhanced scrutiny of a public authority's actions in discharging its licencing functions. However, the need and desire for greater transparency must be balanced against the need to protect the commercial interests of both the public and private sectors and the OGA's objective of having an effective system of regulation.
15. Therefore, in light of the matters set out above, the requested information is being withheld pursuant to *Sections 43(2) FOIA and Regulation 12(5)(e) EIR*.
16. 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.

Yours sincerely,



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FOI Officer