



Oil & Gas Authority

21 Bloomsbury Street
London WC1B 3HF

Ada Zaffina

By email to: request-424952-0a2a0889@whatdotheyknow.com

Our ref: FOI-2017-0054

8 November 2017

Dear Ms Zaffina,

Thank you for your email of 12 August 2017, in which you requested:

"I refer to FOI-2017-0019:

https://www.whatdotheyknow.com/request/397807/response/983613/attach/2/FOI%202017%200019.pdf?cookie_passthrough=1

which clarified that the OGA approved drilling of sidetrack BR-X4Z based on incomplete information provided by Angus Energy (namely only the letter from Surrey County Council dated 12 Dec 2016, which left it open to interpretation whether drilling was allowed or not, but not the letter from SCC dated 14 Sept 2016, which didn't leave any room for doubt that there was no permission to drill).

This has become a matter of public interest and I would like to request the following information under the Freedom of Information Act:

- 1. Copy of notes or minutes from meeting with other regulators that took place on 13 Feb 2017.*
- 2. Clarification on whether and what decision the OGA arrived at (by the time the OGA responds to this FOI) on Angus Energy's submission of Field Development Plan (FDP) Addendum to commence production from the Kimmeridge layers at its Brockham Oil Field, Production License 235. Production from the Kimmeridge layers is to be achieved via sidetrack BR-X4Z - the subject of planning dispute between Angus Energy and Surrey County Council.*
- 3. Copies of any material correspondence regarding sidetrack BR-X4Z between the OGA and other regulators or between the OGA and Angus Energy.*

Yours faithfully,

Ada Zaffina."



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I apologise for the delay in responding.

We have considered your information requests under the Freedom of Information Act 2000 (**FOIA**) and, where relevant, the Environmental Information Regulations 2004 (**EIRs**).

Both FOIA and the EIR relate to information held at the date of the request. As such, the OGA's response reflects the position on 12 August 2017 i.e. the date of your request.

Minutes of Meeting 13 February 2017

This information is not held. No minutes or meeting notes were taken at the 13 February 2017. The meeting served as an opportunity for the regulators to meet each other and was attended by an OGA member of staff.

Correspondence between the OGA and other regulators

The OGA does not hold any correspondence from this time between itself and other regulators in respect of sidetrack BR-X4Z.

Correspondence between the OGA and Surrey County Council

Please find attached an email between the OGA and Surrey County Council.

Correspondence between the OGA and Angus Energy

Please find attached correspondence in the form of emails and letters between the OGA and Angus Energy.

You will note some information including the names and contact details of some of the individuals and all signatures has been redacted. The redacted information is being withheld under Section 40(2) FOIA and 13(1) EIR. Section 40(2) provides that personal data is exempt from disclosure where disclosure would result in a contravention of one or more of the data protection principles or would contravene Section 10 of the Data Protection Act 1998 ("DPA") which prohibits processing likely to cause damage or distress to a data subject. The data protection principles includes that any processing of personal data must be fair and lawful and must comply with one of the conditions either in schedule 2 or 3 of the DPA. The provisions of Section 13 EIR mirror those of Section 40(2) FOIA. The OGA considers that disclosure of the names, signatures and contact details of the individuals would breach the principles of fairness and lawfulness. The



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individuals concerned do not have public facing roles and are acting in good faith in the discharge of their employment duties. In some cases those involved in the correspondence are acting as public servants. Given that the individuals are discharging their employment duties, and in some cases acting as public servants, the OGA considers that they have and are entitled to an expectation of privacy. In any event, the relevant individuals have not consented to their personal data being disclosed.

The OGA further considers that disclosure of the names of the individuals would, or would be likely to result in them suffering from undue harassment over and above the level normally expected to be tolerated by a public servant or those acting in an employment capacity on behalf of a private company. The OGA considers that disclosure of the names, signature and contact details of the individuals would breach the data protection principles of fairness and lawfulness. In light of this this is being withheld under Section 40(2) FOIA and 13 EIR.

The OGA is also withholding information in respect of Angus' insurance provider and production rates. This information is being withheld 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 the OGA considers applications for licenses for oil and gas exploration. In submitting the FDP Addendum, Angus was required to submit information including details of insurance and production information. as the information in relation to Angus' insurance provisions is highly commercially sensitive, the release of which would or would be likely have a prejudicial and detrimental impact on Angus. This impact includes a negative impact on its reputation, could reveal market sensitive information to the public and may further reveal information which would be useful to its competitors.

Disclosure of the remainder of the information in the FDA is also being withheld pursuant to Section 43(2) FOIA and 12(5)(e). Disclosure of this information would or would be likely to enable Angus' competitors to more accurately estimate Angus' generation of income and efficiency, thus gaining a greater idea of its financial strength and thus weakening Angus' position in a highly competitive environment. In addition disclosure of this information would, or would be likely to provide insight into Angus' likely revenues, information which is not currently in the public domain.

In addition, it should be noted that the information contained in the FDP Addendum were provided to the OGA in respect of its application for a licence pursuant to the OGA's position as regulator with a view to obtaining a licence. But for the OGA's position as a regulator, the information contained within it would not be provided. As



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such, the information provided has particular potential to damage the commercial and economic interests of Angus.

In light of the above, the OGA considers that release of this insurance and production information, from the FDP Addendum, would likely prejudice the commercial interests of Angus and as such it is also being withheld pursuant to Sections 43(2) FOIA and 12(5)(e) EIR.

In applying the above exemptions, the OGA has considered whether the public interest in withholding the information is outweighed by the public interest in disclosing the information, as required by section 2(2) of the FOIA and Regulation 12(1)(b) of the EIRs.

The OGA acknowledges that there is a general public interest in the information you have requested, as disclosure leads to greater transparency, which enhances public scrutiny and makes public authorities more accountable. However, there are also public interest considerations in favour of withholding such information in order to, for example, ensure that the commercial interests of the companies are not prejudiced by disclosure of information that could adversely impact on future business. Further, we consider that disclosure of the information would have a “*chilling effect*” on the nature and type of information submitted by operators which would inhibit the OGA in the discharge of its principal objective¹ and its statutory functions². This would be contrary to the public interest.

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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:

¹ To maximise the economic recovery of oil and gas in the UK Continental Shelf.

² Including the enforcement powers.



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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,

FOI Officer