



Oil & Gas Authority

21 Bloomsbury
London WC1B 3HF

J Knapp

By email to: request-596951-d695e636@whatdotheyknow.com

Our ref: FOI-2019-0056

24 September 2019

Dear Mr Knapp,

Thank you for your e-mail of 13 August, in which made the following request for information:

"Please provide a copy of the Deed of Variation circa April 2017 for Horse Hill (PEDL137 & PEDL246) and any relevant correspondence with the operator HHDL (or UKOG) varying the PEDLs work commitments as detailed in your spreadsheet headed "Retention Areas Agreed (Updated December 2018) 2014 Model Clauses."

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

Please find attached 9 letters between the OGA and HHDL and UKOG, regarding Retention Areas. The OGA does not hold any Deeds of Variation dated circa April 2017. The OGA does however hold 1 Deed of Variation each for PEDL 137 and 246 both dated 28 June 2016. Both these PEDLs were converted to 2014 Model clauses by DOV on 28 June 2016 and have since had revised RA work plans agreed. A copy of each of the DOVs for these PEDL's is enclosed.

You will note that some of the information in the letters has been redacted. The redacted information is being withheld under Sections 40 and 43 FOIA and Regulations 12(5)(2) and 13 EIR. An explanation of our reliance on the exemptions is set out below.

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

The disclosed letters contain the names, signatures and contact details of a number of individuals. This information is being withheld under *Section 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 40(3A) is satisfied. One of the conditions in



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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*.

The OGA considers that disclosure of the names, signatures 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.

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) and Regulation 12(5)(e) EIRs (commercially confidential)

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.

The OGA is withholding information in respect of the flow rates achieved in the wells 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 obtains information such as oil and gas flow rates and gas volumes which cover activities regulated by the OGA.

Disclosure of the flow rates (and gas volumes), which have not been published, would be likely to affect the valuation of the company by a potential investor. Such disclosure would or would be likely to prejudice the commercial interests of HHDL/UKOG by weakening its bargaining position and valuation in a competitive environment. Further, disclosure of the requested information would disclose to HHDL/UKOG's competitors, information which could give clues to the anticipated production. This would, or would be likely to, prejudice the commercial interests of HHDL/UKOG.

Public Interest

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. The OGA acknowledges that disclosure of the requested information can lead to greater transparency and enhanced scrutiny of



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public authorities. 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.

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*.

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,

FOI Officer