



Oil & Gas Authority

21 Bloomsbury
London WC1B 3HF

Richard Bales

By email to: request-600236-4639cc40@whatdotheyknow.com

Our ref: FOI-2019-0065&66

25 September 2019

Dear Mr Bales,

Thank you for your two e-mails of 28 August, in which made the following request for information:

“Request 1

Would you please provide the following information:-

- 1. What communications were received by the OGA from GeoSierra during the early part of August 2019, prior to the commencement of fracking of the PNR-2 well on August 15th?*
- 2. What actions were taken to review and respond to comments and advice given therein?*
- 3. Specifically, what (if any) communication with Cuadrilla took place in response to these communications and what conclusions were drawn?*
- 4. Were the comments received from GeoSierra subsequently notified by the OGA to any other Regulatory Authority or Government Agency and what discussions took place?*
- 5. At what point was it concluded that the GeoSierra comments should not prevent commencement of fracking at PNR-2 and at what level of the organisation was that decision taken?*
- 6. What reply was given to GeoSierra and when?*

And

Request 2

- 1. Has the OGA subsequently made any attempt to further investigate the extent of Cuadrilla insurance cover and its continuing validity in circumstances where seismic impact has already been triggered by fracking operations? If so, please provide details and copies of relevant correspondence.*
- 2. Has the OGA at any time reviewed its legal responsibilities in relation to the public, with particular reference to liabilities that might arise from negligence of the authority in granting approval for (or continuing to allow) 'exploratory' fracking operations with uncertain or demonstrably negative impact? If so, please provide details of any advice received, conclusions drawn and actions taken.”*

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

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In response to your requests:

Request 1

Question 1

Please find attached an email from GeoSierra dated 15 August 2019 which was copied to the OGA.

Questions 2 and 5

As you will see from this correspondence, we had planned to discuss the GeoSierra work further with Cuadrilla during the week of 26 August but that did not prove possible. We have however since met them and expect to have further discussions with them. We have not yet reached any conclusions on their work.

Question 3

Please find correspondence between the OGA and Cuadrilla following Geosierra's email.

Question 4

In the course of our regular contacts with other regulators we have made them aware of Geosierra's concerns as expressed to us and are aware that they have, separately, been contacted by Geosierra.

Question 6

To date we have not discussed Geosierra's most recent paper but did have a short conversation with them in August 2018 regarding an earlier paper.

Request 2

In regard to both questions 1 and 2 of Request 2, the OGA does not hold this information.

We routinely ensure that oil and gas companies have operational insurance and that this covers extends to damage to third parties, this was last confirmed prior to the commencement of PNR 2 Hydraulic Fracturing activity. It may be helpful to know that Cuadrillas insurance cover is in line with industry standards and has been the subject of previous FOI requests and details of it are in the public domain [https://www.whatdotheyknow.com/request/cuadrilla_insurance_2018_present]. The OGA is aware of its liabilities in law.

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Some of the information in the disclosed correspondence has been redacted. The redacted information is being withheld under Section 40 FOIA and Regulation 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 *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*.

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.



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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