



# **Disclosure of Digital Data and Information Policy**

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## 1.0 INTRODUCTION

### 1.1 Purpose

The purpose of this policy is to set out an approach for the C-NLOPB to disclose Digital Data that is consistent with its obligations and authority under the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Act* and *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act* (collectively referred to as the “*Accord Acts*”, citations herein being to the federal version), regulations made under the *Accord Acts*, as well as other applicable statutes and court decisions. Such obligations include curatorship of all geophysical records and geological and hydrocarbon samples relating to the Can-NL Offshore Area and authorized disclosure of information, including Digital Data.<sup>1</sup>

### 1.2 Scope

This policy applies to all Digital Data disclosed to the C-NLOPB pursuant to the exemptions included in 119(5) and 119 (9). It describes the timing of disclosure that will apply to the various forms of Digital Data, the methods of disclosure to be used, and the electronic formats in which Digital Data will be disclosed by the C-NLOPB.

### 1.3 Definitions/ Acronyms

**ASCII (American Standard Code for Information Interchange)** is a character encoding that uses numeric codes to represent characters. These include upper and lowercase English letters, numbers, and punctuation symbols. ASCII is the most common electronic file format for text files.

**Completion Date** of fieldwork is established as the date that acquisition of geoscientific programs, including geophysical programs is complete and all equipment is onboard.

**Confidentiality Period** is the period, following the expiry of a Privilege Period, during which the C-NLOPB administratively decides to continue to treat Digital Data as though it were protected by the privilege established under sub-section 119(2) of the *Accord Act*.

**Digital Data** is data or information submitted, in an electronic format, to the C-NLOPB for the purposes of Part II or Part III of the *Accord Acts*, or any regulation made under either Part, and as further described in the *Data Acquisition and Reporting Guidelines (DARG)*, the *Geophysical, Geological, Environmental and Geotechnical Program Guidelines (GGEG)* and/or in accordance with the terms of an approval or authorization to conduct activities in the Can-NL Offshore Area.

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<sup>1</sup> The C-NLOPB obligations and authority under the *Accords Acts* with respect to disclosure of seismic data has been recently confirmed by the Alberta Court of Appeal in *Geophysical Service Incorporated v EnCana Corporation*, 2017 ABCA 125. The Court held that the *Accord Acts* and related regulations confer on the C-NLOPB the unfettered and unconditional legal right, after expiry of a Privilege Period, to disseminate, in its sole discretion as it sees fit, all materials collected under the authority of the *Accord Acts* and related regulations, including the right to grant to others both access and opportunity to copy and re-copy all such materials. This confirms previous positions taken by the C-NLOPB.

**Delineation Well** is a well that is so located in relation to another well penetrating an accumulation of petroleum that there is a reasonable expectation that another portion of that accumulation will be penetrated by the first-mentioned well and that the drilling is necessary in order to determine the commercial value of the accumulation. Normally, this is a well drilled on an accumulation that has been subject to a Declaration Significant or Commercial Discovery as defined in the *Accord Act*.

**Development Well** is a well that is so located in relation to another well penetrating an accumulation of petroleum that it is considered to be a well or part of a well drilled for the purpose of production or observation or for the injection or disposal of fluid into or from the accumulation.

**DLIS** is an electronic file format developed from a 1991 API standard called Recommended Practice 66 (RP 66).

**Exclusive Data** is Digital Data collected during a Geoscientific Program that is intended for the exclusive use of the owner(s) of that data and which will not be licensed, in whole or in part, to the public by the data owner.

**Exploratory Well** is a well drilled on a geological feature on which a significant discovery has not been made.

**Geoscientific Program** is any program authorized or approved by the C-NLOPB in accordance with the *GGEG*.

**LAS (Log ASCII Standard)** was introduced by the Canadian Well Logging Society in 1989 to standardize the organization of digital log curve information. LAS is a structured ASCII file containing log curve data and header information.

**Non-disclosure Period** is the combination of a Privilege Period and any applicable Confidentiality Period(s).

**Non-exclusive Data** is Digital Data collected during a Geoscientific Program that is conducted to acquire such data for the purpose of licensing, in whole or in part, to the public, by the data owner.

**Privilege Period** is a period established per sub-section 119(2) or sub-section 119(5) of the *Accord Act* during which Digital Data that is subject to the privilege protections of those sub-sections may not be disclosed.

**SEG-Y** is a file format developed by the Society of Exploration Geophysicists for the storage and retrieval of digital geophysical data.

**Well Termination Date** is the date on which a well has been abandoned, completed or suspended in accordance with any applicable regulations respecting the drilling for petroleum made under Part III of the *Accord Act*.

### 1.4 References

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|-----|------------|---|
| [1] | BMS-GL-012 | The Data Acquisition and Reporting Guidelines (DARG)                                  |
| [2] | BMS-GL-004 | The Geophysical, Geological, Environmental and Geotechnical Program Guidelines (GGEG) |

## 2.0 POLICY

The C-NLOPB aims to facilitate the disclosure of Digital Data, submitted by operators resulting from authorized activities, while adhering to the applicable Privilege Period and any subsequent Confidentiality Period established by the C-NLOPB, which, collectively, are intended to maintain the balance between dissemination of Digital Data in the public interest, and the protection of legitimate private interests.

### 2.1 Well Data

#### 2.1.1 Data Disclosure Formats

The DARG describe the submission requirements for Digital Data associated with drilling a well in the Can-NL Offshore Area including, but not limited to, logs, reports, and well test data. Such well data submitted to the C-NLOPB may be disclosed after the relevant Privilege Period has expired. Appendix A contains a listing of well-related Digital Data available for disclosure and the associated disclosure formats. File disclosure formats listed are examples, and do not represent an exhaustive list.

#### 2.1.2 Data Disclosure Periods

Pursuant to sub-section 119(9), upon the spudding of a well, general information regarding the well is published including, but not limited to, name of operator and the well's latitude, longitude, and classification.

Pursuant to paragraph 119(5)(a), (b) and (c) the Digital Data obtained as a direct result of drilling a well is available for disclosure as follows:

1. For an Exploration Well - two years after the well termination date.
2. For a Delineation Well - the later of two years after the well termination date of the relevant Exploration Well, and 90 days after the well termination date of the Delineation Well.
3. For a Development Well - the later of two years after the well termination date of the relevant Exploration Well, and 60 days after the well termination date of the Development Well.

Pursuant to paragraph 119(5)(d)(ii) the scheduled disclosure for Digital Data obtained as a result of a Geoscientific Program relating to a well is five years from the Completion Date.

### 2.2 Geophysical Data

#### 2.2.1 Data Disclosure Formats

The GGEG describes the submission requirements for Digital Data and information associated with Geoscientific Programs such as geophysical programs with and without fieldwork in the Can-NL Offshore Area. The Digital Data from such Geoscientific Programs will be disclosed once the relevant Privilege Period, and any applicable Confidentiality Period, has expired. Appendix B contains a listing of Digital Data and information to be disclosed along with the associated disclosure format.

#### 2.2.2 Data Disclosure Periods

Pursuant to, sub-section 119(9), the location (program outline) for Exclusive and Non-exclusive geophysical programs is disclosed 1 year after the relevant Completion Date.

Pursuant to paragraph 119(5)(d)(ii) and the conditions of authorization, Exclusive Data of the following types is available for disclosure as follows:

1. Image files of geophysical data such as seismic or resistivity sections (not SEG-Y), electronic copies of reports, other information relating to exclusive geophysical programs and digital geophysical data (such as SEG-Y) will be disclosed following a five year Privilege Period.

Pursuant to paragraph 119(5)(d)(ii) and any additional Confidentiality Period, Non-exclusive Data is available for disclosure as follows:

1. Image files of geophysical data such as seismic or resistivity sections (not SEG-Y), electronic copies of reports and other information relating to Non-exclusive geophysical programs will be disclosed following a 10 year Non-disclosure Period comprised of the five year Privilege Period and a five year Confidentiality Period.
2. Non-exclusive geophysical Digital Data (for example, SEG-Y) will be disclosed following a 15 year Non-disclosure Period comprised of a five year Privilege Period and a 10 year Confidentiality Period.

Pursuant to paragraph 119(5)(d)(i) in the case of a well site survey where the well has been drilled, disclosure will follow the provisions referred to in paragraph 119(5)(a),(b), or (c), otherwise disclosure will be pursuant to paragraph 119(5)(d)(ii) as outlined above.

### 2.3 Geoscientific Data

#### 2.3.1 Data Disclosure Formats

The GGEG describes the submission requirements for data and information associated with Geoscientific Programs such as geological, environmental, and geotechnical programs with and without fieldwork in the Can-NL Offshore Area. All geological, environmental and geotechnical program Digital Data submitted to the C-NLOPB will be disclosed once the relevant Privilege Period has expired. Appendix C-E contains a listing of Digital Data to be disclosed in relation to these programs, along with the associated disclosure format.

#### 2.3.2 Data Disclosure Periods

Pursuant to, sub-section 119(9), the location (program outline) for Exclusive and Non-Exclusive geoscientific programs is disclosed 1 year after the relevant Completion Date.

Pursuant to paragraph 119(5)(d)(ii) and paragraph 119(5)(i)(ii) Exclusive Data of the following types is available for disclosure as follows:

1. Image files of geoscientific data, such as seabed or core photography, electronic copies of reports and other information relating to exclusive geoscientific Digital Data (such as SEG-Y for sub-bottom profiler) will be disclosed following a five year Privilege Period.

Pursuant to paragraph 119(5)(d)(ii), paragraph 119(5)(i)(ii) and any additional Confidentiality Period, Non-exclusive Data is available for disclosure as follows:

1. Image files of geoscientific data, such as seabed or core photography, electronic copies of reports and other information relating to Non-exclusive geological programs will be disclosed following a 10 year Non-disclosure Period comprised of a five year Privilege Period and a five year Confidentiality Period.
2. Non-exclusive geoscientific Digital Data (such as SEG-Y for sub-bottom profiler) will be disclosed following a 15 year Non-disclosure Period comprised of a five year Privilege Period and a 10 year Confidentiality Period.

Pursuant to paragraph 119(5)(d) and paragraph 119(5)(e) in the case of a geoscientific program where the relevant well has been drilled, disclosure will follow the provisions referred to in paragraph 119(5)(a), (b), or (c), otherwise disclosure will be pursuant to paragraph 119(5)(d)(ii).

**APPENDIX A – WELL DATA RELEASE FORMATS AND DISCLOSURE PERIODS**

Data Type	Disclosure Format*	Non-disclosure Period and Authority		
		Exploration Wells	Delineation Wells	Development Wells
Well Location	Shapefile/Excel	Upon spud as per sub-section 119(9)		
Logs Run Prior to Well Termination Date (wireline, MWD, LWD)	PDF/LAS/DLIS/LIS	Two years after the well's termination date per paragraph 119(5)(a)	The later of: Two years after termination date of relevant exploration well per paragraph 119(5)(b)(i) and 90 days after termination date of the delineation well per paragraph 119(5)(b)(ii)	The later of: Two years after termination date of relevant exploration well per paragraph 119(5)(c)(i) and 60 days after termination date of the development well per paragraph 119(5)(c)(ii)
Deviation Surveys	PDF/ASCII/Excel			
Mudloggers Report, Logs and Data	PDF/LAS/ASCII			
Geological Report and Logs	PDF/LAS			
Core Analysis (special, conventional, sidewall)	PDF/ASCII/Excel			
Core Photos	PDF			
Reports (end of well, MDT, formation pressure measurements reports and logs, pressure gauge, formation tests, DST)	PDF/ASCII/Excel			
Fluid Analysis	PDF/ASCII/Excel			
Vertical Seismic Profiles	PDF/SEG-Y/ASCII	Five years per paragraph 119(5)(d)(ii)		
Velocity Surveys	ASCII			
Checkshot data	PDF/ASCII			
Synthetic Seismogram	PDF/LAS/DLIS/LIS			
Reports and Enclosures (biostratigraphy, borehole seismic, petrological, paleontological, palynological, geochemical)	PDF/Excel			

\* File disclosure formats are examples, and do not represent an exhaustive list. Other file formats may be provided upon request.

**APPENDIX B – GEOPHYSICAL DIGITAL DATA RELEASE FORMATS AND DISCLOSURE PERIODS**

Data Type	Geophysical Program Type	Disclosure Format*	Non-disclosure Period and Authority**	
			Exclusive	Non-Exclusive
Program Location (outline)	Geohazard Survey - 2-D Seismic - 3-D Seismic – CSEM – Grav/Mag – Other - Reprocessed Seismic	Shapefile	One year per sub-section 119(9)***	
Digital images or video of seabed imagery and boreholes (if obtained)	Geohazard Survey	TIFF/AVI/MP4/Equivalent	Five years per paragraph 119(5)(d)(ii)	10 years
Processed Data (bathymetric, 2-D & 3-D model data)	Geohazard Survey – CSEM – Grav/Mag - Other	ASCII/SEG-Y/Equivalent		15 years
Processed side scan sonar line and mosaic data	Geohazard Survey	XTF/JSF/Equivalent		15 years
Shotpoint/track plot location data with time stamp (final navigation data)	Geohazard Survey - 2-D Seismic - 3-D Seismic – CSEM – Grav/Mag – Other - Reprocessed Seismic	PDF/UKOOA/ASCII		10 years
Digital seismic traces (final stack, migrated sections, RA, AGC, angle stack, PSTM, PSDM)	Geohazard Survey - 2-D Seismic - 3-D Seismic - Reprocessed Seismic	SEG-Y (SEG Standard)		15 years
Reports and Enclosures (Interpretation****, Operations, Processing, Acquisition)	Geohazard Survey - 2-D Seismic - 3-D Seismic - CSEM - Grav/Mag - Other - Reprocessed Seismic	Searchable PDF		10 years
Digital images - seismic sections, final processed data and interpretation maps	Geohazard Survey - 2-D Seismic - 3-D Seismic - CSEM – Grav/Mag - Other - Reprocessed Seismic	TIFF/PDF		10 years
Velocity Data	2-D Seismic - 3-D Seismic - Reprocessed Seismic	ASCII/SEG-Y		15 years
Polygonal position data (full fold outline)	3-D Seismic	UKOOA		10 years
Amplitude/Magnitude and Phase vs. Offset data (AVO/MVO and PVO) (all harmonics)	CSEM	PDF/TIFF/Equivalent		15 years

\* File disclosure formats are examples, and do not represent an exhaustive list. Other file formats may be provided upon request.

\*\* Non-disclosure period for non-exclusive programs is a five year Privilege Period and applicable C-NLOPB established Confidentiality Period.

\*\*\* The C-NLOPB established Confidentiality Period is one year from Completion Date.

\*\*\*\* Interpretation report is not required for Non-exclusive geophysical programs.

**APPENDIX C – GEOSCIENTIFIC DATA RELEASE FORMAT AND DISCLOSURE PERIODS (GEOLOGICAL PROGRAMS)**

Data Type	Program Type	Disclosure Format*	Non-disclosure Period and Authority*	
			Exclusive	Non-Exclusive
Program Location (outline)	Geological	Shapefile/Excel	***One year per sub-section 119(9)	
Track plot location data with time stamp (final navigation data)	Geological	UKOOA	Five years per paragraph 119(5)(d)(ii)	10 years
Digital prints of core photographs and core logging (if obtained)	Geological	TIFF/PDF		10 years
Processed data	Geological	ASCII/SEG-Y/Equivalent		15 years
Digital images or video of seabed imagery (if obtained)	Geological	TIFF/PDF/AVI/MP4/Equivalent		10 years
Reports and Enclosures (Interpretation****, Operations, Processing)	Geological	Searchable PDF		10 years

\* File disclosure formats are examples, and do not represent an exhaustive list. Other file formats may be provided upon request.

\*\* Non-disclosure period for non-exclusive programs is a five year Privilege Period and applicable C-NLOPB established Confidentiality Period.

\*\*\* The C-NLOPB established Confidentiality Period is one year from Completion Date

\*\*\*\* Interpretation report is not required for non-exclusive geological programs with fieldwork.

**APPENDIX D – GEOSCIENTIFIC DATA RELEASE FORMAT AND DISCLOSURE PERIODS (GEOTECHNICAL PROGRAMS)**

Data Type	Program Type	Disclosure Format*	Non-disclosure Period and Authority**	
			Exclusive	Non-Exclusive
Program Location (outline)	Geotechnical	Shapefile/Excel	One year per sub-section 119(9)	
Track plot location data with time stamp (final navigation data)	Geotechnical	UKOOA	Five years per paragraph 119(5)(e)(ii)	10 years
Digital prints of core photographs and core logging (if obtained)	Geotechnical	TIFF/PDF		10 years
Processed data	Geotechnical	ASCII/SEG-Y/Equivalent		15 years
Digital images or video of seabed imagery (if obtained)	Geotechnical	TIFF/PDF/AVI/MP4/Equivalent		10 years
Reports and Enclosures (Interpretation Report***, Operations Report, Processing Report)	Geotechnical	Searchable PDF		10 years

\* File disclosure formats are examples, and do not represent an exhaustive list. Other file formats may be provided upon request.

\*\* Non-disclosure period for non-exclusive programs is a five year Privilege Period and applicable C-NLOPB established Confidentiality Period.

\*\*\* Interpretation report is not required for Non-exclusive geotechnical programs.

**APPENDIX E – GEOSCIENTIFIC DATA RELEASE FORMAT AND DISCLOSURE PERIODS (ENVIRONMENTAL PROGRAMS)**

Data Type	Program Type	Disclosure Format*	Non-disclosure Period and Authority**	
			Exclusive	Non-Exclusive
Program Location (outline)	Environmental	Shapefile/Excel	One year per sub-section 119(9)	
Track plot location data with time stamp (final navigation data)	Environmental	UKOOA	Five years per paragraph 119(5)(i)(ii)	10 years
Processed data	Environmental	ASCII/SEG-Y/Equivalent		15 years
Digital images or video of seabed imagery (if obtained)	Environmental	TIFF/PDF/AVI/MP4/Equivalent		10 years
Reports and Enclosures (Interpretation Report***, Operations Report, Processing Report)	Environmental	Searchable PDF		10 years

\* File disclosure formats are examples, and do not represent an exhaustive list. Other file formats may be provided upon request.

\*\* Non-disclosure period for Non-exclusive programs is a five year privilege period and applicable C-NLOPB established confidentiality period.

\*\*\* Interpretation report is not required for Non-exclusive environmental program