

QUESTIONS AND ANSWERS

PUBLIC AVAILABILITY OF INFORMATION GUIDELINES AND INTERPRETATION NOTES

What are guidelines and interpretation notes?

Guidelines and interpretation notes are documents that clarify the Regulator's expectations for companies. They can also be a way to improve everybody's understanding of the way oil and gas resources are regulated in the Northwest Territories.

Interpretation notes explain the Regulator's views on the legal requirements for different activities.

Guidelines explain how companies can meet the legal requirements for their activities.

Who issues guidelines and interpretation notes?

The Regulator issues guidelines and interpretation notes. Section 18 of the *Oil and Gas Operations Act* gives the Regulator the authority to do so.

What are the objectives of the *Information Availability Guidelines and Interpretation Notes* (guidelines)?

The objectives of the Guidelines are to:

- Describe how information provided to the Regulator is handled resulting from the amendments to the *Oil and Gas Operations Act*;
- Provide information on the process for requesting that information provided to the Regulator be kept confidential;
- Enhance certainty and predictability in regulatory decisions; and
- Promote accessibility and transparency in oil and gas regulation.

Why do the guidelines focus on information availability?

The guidelines focus on information availability because:

- The *Oil and Gas Operations Act* will change as a result of Bill 37, which was passed in August 2019.
- The changes include a new section 22, which makes all information provided to the Regulator for the purpose of OGOA or its regulations public unless it meets certain narrow tests.
- This is a different approach to information availability from what has been in place since devolution in 2014.

How were the guidelines developed?

The guidelines were developed by the staff of the Office of the Regulator of Oil and Gas Operations (OROGO), which supports the Regulator. OROGO received technical support from the Canadian Energy Regulator (CER) (formerly the National Energy Board).

The CER has experience with information availability rules similar to the new section 22 of OGOA. Some of the CER's existing procedures were used as a basis for developing the guidelines.

What topics are covered in the guidelines?

The guidelines provide information on:

- What information provided to the Regulator will be public and when it will be available;
- What information produced by the Regulator will be public;
- Where to find this information;
- What types of information may be deemed confidential by the Regulator;
- How a company can apply to keep information confidential;
- How confidential information will be treated during public hearings;
- The limited circumstances when confidential information may be shared;
- What will happen to information provided to the Regulator before the changes to OGOA; and
- How the *Access to Information and Protection of Privacy Act* applies.

Where can I get more information on the guidelines?

OROGO's website has a copy of the guidelines at www.oro.go.gov.nt.ca

OROGO staff can also answer questions about the guidelines. Call Peter Lennie-Misgeld at 867-767-9097 or email him at Peter-Lennie_Misgeld@gov.nt.ca for more information. Peter can also arrange presentations on the guidelines for your organization.

Who is providing feedback on the guidelines?

Everyone is welcome to provide feedback on the guidelines.

OROGO has directly contacted Aboriginal governments and organizations, companies operating in the NWT, other regulators, industry groups, the territorial and federal governments and environmental non-governmental organizations for their feedback. OROGO has also advertised in NWT newspapers to reach the general public.

How do I provide feedback on the guidelines?

Please provide your feedback on the guidelines by writing to oro.go@gov.nt.ca. You will receive a response confirming that OROGO has received your feedback.

What is the deadline for providing feedback?

The deadline for providing feedback is **February 14, 2020**.

What will be done with the feedback received?

The feedback received will be summarized and made public, along with OROGO's responses. This summary document will be available in March 2020.

When will the guidelines be issued?

OROGO expects to issue the guidelines in March 2020.