

**ADMINISTRATION AND USE OF DATA ACQUIRED FROM
GENERAL SURVEY, EXPLORATION, AND EXPLOITATION OF OIL AND GAS**
(Regulation of the Minister of Energy and Mineral Resources No. 027/2006 dated May 8, 2006)

THE MINISTER OF
ENERGY AND MINERAL RESOURCES,

est by Presidential Decree No. 20/P/2005 dated December 5, 2005;

Considering:

that, for enforcement of the provisions of Article 15 paragraph (2) of Government Regulation No. 35/2004 on Oil and Gas Upstream Business Activities as already amended by Government Regulation No. 34/2005, it is necessary to stipulate Regulation of the Minister of Energy and Mineral Resources on Administration and Use of Data Acquired from General Survey, Exploration, and Exploitation of Oil and Gas;

In view of:

1. Law No. 7/1971 on Archival Matters (Statute Book of 1971 No. 32, Supplement to Statute Book No. 2968);
2. Law No. 22/2001 on Oil and Gas (Statute Book of 2001 No. 136, Supplement to Statute Book No. 4152) as already amended by Decision of Constitutional Council No. 002/PUU-I/2003 dated December 21, 2004 (State Gazette No. 1 of 2005);
3. Government Regulation No. 35/2004 on Oil and Gas Upstream Business Activities (Statute Book of 2004 No. 123, Supplement to Statute Book No. 4435) as already amended by Government Regulation No. 34/2005 (Statute Book of 2005 No. 81, Supplement to Statute Book No. 4530);
4. Government Regulation No. 42/2002 on Operating Body for Oil and Gas Upstream Business Activities (Statute Book of 2002 No. 81, Supplement to Statute Book No. 4216);
5. Government Regulation No. 45/2003 on Tariff of Non-Taxable State Revenues Effective Within the Ministry of Energy and Mineral Resources (Statute Book of 2003 No. 97, Supplement to Statute Book No. 4314);
6. Presidential Decree No. 187/M/2004 dated October 20, 2004 as already amended several times and lat-

7. Decree of the Minister of Energy and Mineral Resources No. 1636 K 13/MEM/2002 dated October 22, 2002 on Administration of Data in Energy and Mineral Resource Sector;
8. Regulation of the Minister of Energy and Mineral Resources No. 0030/2005 dated July 20, 2005 on Organization and Operational Procedure of the Ministry of Energy and Mineral Resources;

D E C I D E S :

To stipulate:

REGULATION OF THE MINISTER OF ENERGY AND MINERAL RESOURCES ON ADMINISTRATION AND USE OF DATA ACQUIRED FROM GENERAL SURVEY, EXPLORATION, AND EXPLOITATION OF OIL AND GAS.

**CHAPTER I
GENERAL PROVISIONS**

Article 1

Hereinafter referred to as:

1. Oil and Gas, General Survey, Exploration, Exploitation, Operational Area, Business Enterprise, Permanent Establishment, Joint Operating Contract, Operating Body, Minister, Contractor, Open Area, and Ministry were as set forth in Government Regulation No. 35/2004 on Oil and Gas Upstream Business Activities as already amended by Government Regulation No. 34/2005.
2. Data is all facts, directives, indicators, and information, whether in writing (characters), numbers (digits), pictures (analogues), magnetic media, documents, stone samples, fluids, and other forms acquired from General Survey, Exploration, and Exploitation of Oil and Gas.
3. Director General is the Director General of Oil and Gas.

4. Directorate General is the Directorate General of Oil and Gas.
5. Centre of Energy and Mineral Resource Data and Information, which is hereinafter called Centre of ESDM Data and Information, is a work unit in charge of administration of data and information acquired from general survey, exploration, and exploitation of oil and gas.

Article 2

- (1) Data acquired from general survey, exploration, and exploitation of oil and gas were owned by the state and were under government's control.
- (2) The data acquired from the general survey, exploration, and exploitation of oil and gas, as meant in paragraph (1), must be delivered to the Centre of ESDM Data and Information.

Article 3

Administration and use of Data is to support the stipulation of Operational Area, formulation of technical policies, operation of government administrative affairs, and monitoring of exploration and exploitation activities, performance of exploration and exploitation, socialization of Data to users, and exchange of Data.

CHAPTER II

CLASSIFICATION OF DATA AND CONFIDENTIALITY

Article 4

- (1) Based on confidentiality, Data is classified into:
 - a. General Data is data on identification and geographic location of oil and gas potentiality, reserve, and wells;
 - b. Basic Data is description or outline of results of recording of geological, geophysical, geochemical examinations, and drilling and production activities;
 - c. Processed Data is data acquired from result of analysis and evaluation into Basic Data;
 - d. Interpretation Data is data acquired from result of interpretation of Basic Data and/or Processed Data.
- (2) Types of General Data, Basic Data, Processed Data, and Interpretation Data, as meant in paragraph (1), were as specified in Attachment I to this regulation.

Article 5

- (1) Basic Data, Processed Data, and Interpretation Data, as meant in Article 4, shall be kept confidential for a certain time.
- (2) The term of confidentiality of the Data, as meant in paragraph (1), is as follows:
 - a. Four (4) years for Basic Data;
 - b. Six (6) years for Processed Data;
 - c. Eight (8) years for Interpretation Data.
- (3) In case that an Operational Area is returned to the Government, all Data on the Operational Area concerned shall no longer be classified as confidential.

Article 6

Data, by status, is classified into:

- a. Closed Data, is Data acquired from Exploration and Exploitation, which were kept confidential and unrevealed to public;
- b. Open Data is Data acquired from:
 1. General Survey;
 2. Exploration and Exploitation that exceeded the term of confidentiality, as meant in Article 5.

Article 7

Closed Data and Open Data, as meant in Article 6, managed by Contractor or at Contractor's request, may be disclosed to other parties within a certain time after securing an approval of the Director General.

CHAPTER III

ADMINISTRATION OF DATA

Article 8

Administration of data, as meant in Article 3, included acquisition, administration, processing, arrangement, storing, maintenance, and destruction.

Article 9

- (1) In the framework of administration of Data, as meant in Article 8, the Centre of ESDM Data and Information shall perform administration, processing, arrangement, storing, and maintenance of Data acquired from General Survey, Exploration, and Exploitation and classified as Open Data and Closed Data.

- (2) In the administration of Data, as meant in paragraph (1), the Centre of ESDM Data and Information may coordinate with other parties.

Article 10

- (1) Contractor may perform administration of Data acquired from Exploration and Exploitation in his Operational Area, as meant in Article 8, except Destruction of Data.
- (2) In case that Contractor did not self-administer Data, he must appoint the Centre of ESDM Data and Information to perform administration of Data.

Article 11

- (1) Contractor may acquire Data on the Open Area adjacent to his Operational Area after securing a license from the Director General.
- (2) The acquisition of Data, as meant in paragraph (1), may be performed if there were technical reasons to support operations on his Operational Area.

Article 12

Arrangement of Data must be performed in accordance with the standards specified in Attachment II to this regulation.

Article 13

- (1) Storing of Data shall be performed according to the format and storage media as specified in Attachment III to this regulation.
- (2) Data Storing, as meant in paragraph (1), must be in compliance with the rules as specified in Attachment IV to this regulation.

Article 14

Administration of Data, as meant in Articles 8 and 9, must be conducted based on good technical principles.

CHAPTER IV DELIVERY OF DATA

Article 15

- (1) Business Enterprise that conducted a General Survey

must deliver all Data acquired to the Centre of ESDM Data and Information after expiration of the Joint Operating Contract for Storage, Maintenance, and Socialization of Data.

- (2) The Director General shall perform evaluation into all Data acquired by the Business Enterprise, as meant in paragraph (1), before it is delivered to the Centre of ESDM Data and Information.
- (3) The delivery of Data, as meant in paragraph (1), shall be written in a Report signed by the Business Enterprise, the Directorate General, and the Centre of ESDM Data and Information.

Article 16

- (1) The Contractor, via the Operating Body, must deliver the Data acquired from Exploration and Exploitation to the Centre of ESDM Data and Information within not later than three (3) months since expiration of the acquisition, processing, and interpretation of Data.
- (2) If the Joint Operating Contract expires, the Contractor must deliver all the Data acquired from Exploration and Exploitation to the Centre of ESDM Data and Information via the Operating Body.
- (3) Data delivered by the Contractor, as meant in paragraphs (1) and (2), shall be received and administered by the Centre of ESDM Data and Information after being evaluated by the Director General.
- (4) The delivery of Data, as meant in paragraph (3), shall be written on a Report signed by the Contractor, the Operating Body, the Directorate General, and the Centre of ESDM Data and Information.

Article 17

In the framework of expediting the delivery of Data, as meant in Articles 15 and 16, the Director General shall establish a Team for Delivery of Data with members consisting of the Directorate General, Secretariat General of the Ministry, the Operating Agency, and the Centre of ESDM Data and Information.

Article 18

(1) Contractor, whose joint operating contract has expired, as meant in Article 16 paragraph (2), may file a request for license to the Minister for storing and using copies of Data of his ex Operational Area.

(2) The Minister, at the proposal of the Director General, may not disapprove or may approve the request, as meant in paragraph (1).

Article 19

The Delivery of Data, as meant in Articles 15 and 16, shall be conducted using the format and the media, as specified in Attachment I to this regulation.

Article 20

Business Enterprise that conducted a General Survey, and the Contractor must pay all costs of delivery of Data, as meant in Articles 15 and 16.

Article 21

All costs expended by the Contractor in the framework of delivery and storage of Data, as meant in Article 16, may be treated as cost of operation on his operational area based on approval of the Operating Agency.

Article 22

All costs of administration of Data acquired from General Survey, which joint operating contract has expired, and administration of Data of Exploration and Exploitation, which Operational Area has changed to an Open Area, shall be charged to the Centre of ESDM Data and Information.

CHAPTER V

DATA ACQUIRED FROM COLLECTIVE STUDY

Article 23

(1) New Data acquired by Business Enterprise or Permanent Establishment from a collective study in the framework of Direct Offer on an Open Area, is confidential and may be administered and used by the concerned Business Enterprise or Permanent Establishment until the signing of Joint Operating Contract on the Operational Area.

(2) After the Joint Operating Contract on the above Area

has been signed, the Data, as meant in paragraph (1), must be delivered to the Centre of ESDM Data and Information.

CHAPTER VI
USE OF DATA

Article 24

(1) In the framework of performance of its duties and responsibilities, the Directorate General may use the Data administered by the Centre of ESDM Data and Information.

(2) The Data to be used, as meant in paragraph (1), must be provided by the Centre of ESDM Data and Information for free.

Article 25

(1) Contractor may use Data acquired from Exploration and Exploitation for the purpose of operations on his Operational Area.

(2) Use of the Data, as meant in paragraph (1), for scientific purposes and for other purposes other than for operations on his Operational Area by the Contractor or other parties must secure a license of the Director General.

(3) The Contractor may exchange the Data, as meant in paragraph (1), with the one of another Contractor on an adjacent Operational Area, after securing an approval of the Director General.

Article 26

The Centre of ESDM Data and Information shall perform services and uses of Open Data that it administered to the users.

CHAPTER VII

REJUVENATION AND DESTRUCTION OF DATA

Article 27

In the framework of maintenance of quality and usage and added value of Data, the Centre of ESDM Data and Information must rejuvenate and or transfer the Data to other media.

Article 28

Data, which is damaged and did not have any

value, may be destructed in accordance with the following methods:

- a. The Centre of ESDM Data and Information proposes Data to be destroyed to the Director General;
- b. The Minister establishes a Committee for Evaluation of Data as proposed by the Director General, to perform destruction of Data;
- c. Data is totally destructed so that its content or form will no longer be identified;
- d. Destruction of Data must be witnessed by officers of the Directorate General, the Ministry's Secretariat General, the Centre of ESDM Data and Information, and other relevant institutions. And, a Report of Destruction of Data shall be made.

Article 29

Copies of data, which were no longer used, must be destroyed in accordance with the methods, as meant in Article 28.

Article 30

Destruction of Data, as meant in Articles 28 and 29, shall be performed in accordance with the applicable laws.

CHAPTER VIII DEVELOPMENT AND MONITORING

Article 31

The Director General shall conduct development and monitoring over administration and use of Data.

CHAPTER IX PENAL PROCEDURE

Article 32

A person who sends or delivers or transfers data without being entitled to do it, in any form, will be imposed with penalty or monetary charge, as meant in Article 51 paragraph (2) of Law No. 22/2001 on Oil and Gas as already amended by Decision of Constitutional Court No. 002/PUU-I/2003 dated December 21, 2004.

CHAPTER X TRANSITORY PROVISIONS

Article 33

With this regulation coming into force:

- a. All contracts or agreements signed by the Director General or Head of Energy and Mineral Resource Research and Development Board with other parties concerning administration of Data prior to the stipulation of this regulation shall be valid until expiration of the contracts or agreements, and all rights, obligations, and consequences of the contracts or agreements executed by the Director General or Head of Energy and Mineral Resource Research and Development Board shall transfer to Head of the Centre of ESDM Data and Information;
- b. All contracts or agreements signed by Contractor with other parties concerning administration of Data prior to the stipulation of this regulation shall be valid until expiration of the contracts or agreements;
- c. The Centre of ESDM Data and Information may access all Data available with the other parties, as meant in paragraph b.

CHAPTER XI CLOSING PROVISIONS

Article 34

When this regulation comes into force, Decree of the Minister of Energy and Mineral Resources No. 1636.K/13/MEM/2002 concerning administration of Oil and Gas Data is invalidated and is declared invalid.

Article 35

This regulation is valid since the date it is stipulated.

Stipulated in Jakarta

On May 8, 2006

THE MINISTER OF ENERGY AND MINERAL RESOURCES

Sgd

PURNOMO YUSGIANTORO

Editor Note :

- Attachments are not available.

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