

Comparison between MEMR Regulation No. 27/2006 and MEMR Regulation No. 7/2019

<p align="center">MEMR Regulation No. 27/2006 ("Previous Regulation")</p>	<p align="center">MEMR Regulation No. 7/2019</p>
<p align="center">Data Classification and Confidentiality (Article 4 - 7)</p> <p><u>Data Classification</u></p> <ol style="list-style-type: none"> 1. General Data 2. Basic Data 3. Processed Data 4. Interpretation Data <p><u>Data Acquisition</u> (not explicitly regulated)</p>	<p align="center">Data Classification, <u>Acquisition</u> and Confidentially (Article 4 - 5)</p> <p><u>Data Classification</u></p> <ol style="list-style-type: none"> 1. General Data 2. Basic Data 3. Processed Data 4. Interpretation Data <p><u>Data Acquisition</u> The Government obtains data from:</p>

<p><u>Data Confidentiality</u></p> <p>Basic Data, Processed Data and Interpretation Data must be kept confidential for a certain time.</p> <p>The term of confidentiality of the Data is as follows:</p> <table border="1" data-bbox="205 914 961 1117"> <thead> <tr> <th>Data Type</th> <th>Confidentiality Period</th> </tr> </thead> <tbody> <tr> <td>Basic Data</td> <td>Four years</td> </tr> <tr> <td>Processed Data</td> <td>Six years</td> </tr> <tr> <td>Interpretation Data</td> <td>Eight years</td> </tr> </tbody> </table> <p>If an operational area is returned to the Government, relevant data on the operational area shall no longer be classified as confidential.</p>	Data Type	Confidentiality Period	Basic Data	Four years	Processed Data	Six years	Interpretation Data	Eight years	<ol style="list-style-type: none"> 1. business entities and implementing units that carry out general survey activities; 2. business entities and permanent establishments conducting joint study activities; 3. contractors that carry out exploration and exploitation activities based on cooperation contracts with the state (<i>kontrak kerja sama</i> – "KKS"); and 4. contractors and their affiliates which undertake the transfer of certain work commitments in the open area. <p><u>Data Confidentiality</u></p> <table border="1" data-bbox="991 755 1894 1416"> <thead> <tr> <th>Data Type</th> <th>Confidentiality Period</th> </tr> </thead> <tbody> <tr> <td>Data produced through general survey activities which are used during joint studies "and/or" exploration and exploitation activities by permanent establishments</td> <td>In accordance with the contract for the storage, maintenance and socialization of Data ("Contract")</td> </tr> <tr> <td>Data received and/or produced through joint study activities</td> <td>Exclusive use by the parties executing the studies until: <ol style="list-style-type: none"> 1. they discontinue the working-area direct-offering process; or 2. they are not appointed as winners of the working-area direct-offering process </td> </tr> <tr> <td>Basic Data</td> <td>Four years from the completion of the Data acquisition process</td> </tr> </tbody> </table>	Data Type	Confidentiality Period	Data produced through general survey activities which are used during joint studies "and/or" exploration and exploitation activities by permanent establishments	In accordance with the contract for the storage, maintenance and socialization of Data ("Contract")	Data received and/or produced through joint study activities	Exclusive use by the parties executing the studies until: <ol style="list-style-type: none"> 1. they discontinue the working-area direct-offering process; or 2. they are not appointed as winners of the working-area direct-offering process 	Basic Data	Four years from the completion of the Data acquisition process
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	(As produced through oil and gas exploration and exploitation activities)	
	Processed Data (As produced through oil and gas exploration and exploitation activities)	Six years from the completion of the Data processing process
	Interpreted Data (As produced through oil and gas exploration and exploitation activities)	Eight years from the completion of the Data interpretation process
	Data received from the transfer of certain working commitments for open areas	12 months from the completion of the relevant transfer of working commitments
<p>However, various other types of Data may be accessed by other parties without being subject to any periods of confidentiality, specifically:</p> <ol style="list-style-type: none"> 1. Data relating to working areas which are returned to the Government 2. Data obtained during general survey activities by legal entities, which may be accessed based on provisions which are set out under the relevant Contract 3. Data obtained through general survey activities by units, which may be accessed once they are delivered to the Centre for Data and Information Technology for Energy and Natural Resources (<i>Pusat Data dan Teknologi Informasi Energi dan Sumber Daya Mineral – “Pusdatin ESDM”</i>). 		

Data Transfer	Data Transfer				
<p>The Previous Regulation did not contain any provisions that addressed Data transfers or reporting.</p>	<p align="center">(Article 6 - 9, Article 12 and Article 46)</p> <p>Data which have been obtained by legal entities, permanent establishments "and/or" contractors must be transferred to Pusdatin ESDM via the Directorate General of Oil and Gas within the following periods:</p> <table border="1" data-bbox="991 613 1885 1409"> <thead> <tr> <th data-bbox="991 613 1381 673">Data Type</th> <th data-bbox="1381 613 1885 673">Transfer Periods</th> </tr> </thead> <tbody> <tr> <td data-bbox="991 673 1381 1409"> Data produced through general survey activities or through joint studies </td> <td data-bbox="1381 673 1885 1409"> <ol style="list-style-type: none"> 1. Legal entities or permanent establishments (for joint studies Data only) are required to transfer snapshots relating to Data recordings by no later than: <ol style="list-style-type: none"> a. three months after the end of the relevant general survey activities (for general survey Data); or b. one month after the end of the relevant joint studies (for joint-studies Data). 2. Legal entities or permanent establishments must submit Data transfer plans by no later than: <ol style="list-style-type: none"> a. one month before the Contract between the legal entity and Pusdatin ESDM expires (for general-survey Data); or </td> </tr> </tbody> </table>	Data Type	Transfer Periods	Data produced through general survey activities or through joint studies	<ol style="list-style-type: none"> 1. Legal entities or permanent establishments (for joint studies Data only) are required to transfer snapshots relating to Data recordings by no later than: <ol style="list-style-type: none"> a. three months after the end of the relevant general survey activities (for general survey Data); or b. one month after the end of the relevant joint studies (for joint-studies Data). 2. Legal entities or permanent establishments must submit Data transfer plans by no later than: <ol style="list-style-type: none"> a. one month before the Contract between the legal entity and Pusdatin ESDM expires (for general-survey Data); or
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		<ul style="list-style-type: none"> b. one month before joint studies end (for joint studies Data). <p>3. Legal entities must transfer all Data by no later than:</p> <ul style="list-style-type: none"> a. three months after the expiration of the relevant Contracts outlined above (for general survey Data); or b. one month after the end of the relevant exclusive utilization period (for joint studies Data).
	<p>Data produced through exploration and exploitation activities</p>	<ul style="list-style-type: none"> 1. Contractors (via the Special Task Force for Upstream Oil and Gas Business) must transfer copies of all Data resulting from exploration/exploitation activities by no later than three months after the end of any acquisition, processing and interpretation of Data. 2. If a KKS expires during the exploration phase, then Contractors are required to transfer all of the relevant Data produced during exploration activities by no later than three months after the end of the contract.

		<p>3. If the KKS has entered the exploitation phase, then Contractors are required to submit all Data which is produced during exploration and/or exploitation at least one year before the end of the relevant contract.</p> <p>4. If contractors transfer their participating interests to other legal entities or permanent establishments, then contractors must transfer their Data to the recipients of the participating interests.</p>
	Data produced through the transfer of certain working commitments in open areas	contractors (via the Special Task Force for Upstream Oil and Gas Business) must transfer all Data resulting from the transfer of certain working commitments in open areas by no later than 12 months after the end of all activity.
	Data resulting from Data processing activities	Legal entities, permanent establishments or universities which engage in Data processing for socialization purposes must transfer all Data resulting from the processing immediately after the end of the relevant socialization periods.

	<p>In addition, contractors or any parties possessing Data which have not been registered by Pusdatin ESDM must report such Data to Pusdatin ESDM within three months of MEMR Regulation 7/2019 coming into force. After reporting the Data, the parties must transfer the Data to Pusdatin ESDM within one year of the report being sent.</p>
<p style="text-align: center;"><u>Data Utilization and Membership</u></p> <p>This membership concept is new and was not addressed under the Previous Regulation.</p>	<p style="text-align: center;"><u>Data Utilization and Membership</u> <u>(Article 25 - 28)</u></p> <p>MEMR Regulation 7/2019 allows for confidential Data to be utilized by the general public based on special licenses which are obtained from the Minister. In addition, Pusdatin ESDM offers Data utilization services through a membership system.</p> <p>Contractors are obliged to be members of the above mentioned Data utilization services provided by Pusdatin ESDM. Meanwhile, the affiliates of the contractors, as well as legal entities, permanent establishments and universities, may choose to become members or not.</p> <p>By becoming members, the parties are required to pay membership fees based on cooperation contracts between Pusdatin ESDM and the relevant members. In return, members will gain full access to all non-confidential Data and Data which its relevant confidentiality periods is expired. Meanwhile, nonmembers are only allowed to access non-confidential general data and basic data.</p>