

Consultation

Redaction Policy annex of the re-opener guidance for carbon dioxide transport and storage

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We are consulting on an additional annex to the re-opener guidance for carbon dioxide transport and storage. This annex concerns our redaction policy for public-facing documents published by Ofgem and licensed transport and storage (T&S) networks.

This consultation is focussed on the redaction policy annex. A comprehensive consultation on the updated re-opener guidance is planned in the coming months.

This document outlines the scope, purpose and questions of the consultation and how you can get involved. Once the consultation is closed, we will consider all responses. We want to be transparent in our consultations. We will publish the non-confidential responses we receive alongside a decision on next steps on our website at [ofgem.gov.uk/consultations](https://www.ofgem.gov.uk/consultations). If you want your response – in whole or in part – to be considered confidential, please tell us in your response and explain why. Please clearly mark the parts of your response that you consider to be confidential, and if possible, put the confidential material in separate appendices to your response.

Consultation Redaction policy annex of the re-opener guidance for carbon dioxide transport and storage

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Consultation Redaction policy annex of the re-opener guidance for carbon dioxide transport and storage

Contents

1. Introduction.....	4
Background	4
Purpose of this consultation	4
Context and related publications	4
Overview	5
Consultation stages	5
How to respond	5
Your response, data, and confidentiality	5
How to track the progress of a consultation	6
2. Re-opener Guidance Amendment - Redaction Policy	7
Introduction	7
Commercially Sensitive Information.....	11
National Security	12
Non-Disclosure Agreements (NDAs)	13
Legally Privileged Information	13
Send us your feedback	15
Appendix 1. Privacy policy	16
Personal data	16

Consultation Redaction policy annex of the re-opener guidance for carbon dioxide transport and storage

1. Introduction

This consultation seeks views on the introduction of an annex to the re-opener guidance for carbon dioxide transport and storage. This annex will outline our policy for redacting sensitive information before publication.

Background

- 1.1 Ofgem is the economic regulator for companies providing CO₂ Transport and Storage services and has duties relating to the wider Carbon Capture, Usage and Storage (CCUS) sector. These duties include protecting T&S network users, protecting consumers who may be affected by Ofgem's decisions, and promoting efficient and economic development in the T&S sector. In December 2024, Ofgem issued the re-opener guidance for carbon dioxide transport and storage. This document outlines the requirements that T&S licensees must follow when making re-opener submissions to Ofgem. These submissions can range from cost adjustments to set allowances, typically aimed at addressing unforeseen changes in expenditure, to broad scope projects such as network expansion.
- 1.2 Re-openers require a significant level of coordination between Ofgem and the licensee, owing to both the complexity of the process and the potential burden of increased cost on consumers. Ofgem must therefore ensure that submission processes are robust and consistent between licensees. The re-opener guidance ensures licensees follow best practice and maintain communication with all relevant stakeholders throughout.

Purpose of this consultation

- 1.3 We are seeking views on the new addition to the re-opener guidance for carbon dioxide transport and storage, 'Re-opener Guidance Amendment - Redaction Policy'. This annex will provide guidance to licensees on how to redact commercially sensitive information, information pertaining to national security, non-disclosure agreements, and legally privileged information.

Context and related publications

- 1.4 This guidance applies to all re-opener submissions, and supporting information, made by any licenced T&S network. This guidance may be referred to if the need arises to redact other published documents pertaining to the carbon dioxide transport and storage regime.

[Re-opener guidance for carbon dioxide transport and storage | Ofgem](#)

Consultation Redaction policy annex of the re-opener guidance for carbon dioxide transport and storage

Overview

- 1.5 In Ofgem's capacity as a regulator, it is often necessary to make relevant information publicly available to promote both the interests of current and future users of the network, and the development and operation of network operators. This guidance is intended to provide consistency across all publications, ensuring that readers can make meaningful considerations when viewing publications.
- 1.6 This guidance applies to the licenced T&S networks. While licenced networks may share sensitive information with Ofgem to allow for a comprehensive analysis prior to a determination being made on a re-opener submission, the same information may not be appropriate to share publicly.

Consultation stages

Stage 1 Consultation open: 9 October 2026

Stage 2 Consultation closes (awaiting decision). Deadline for responses: 6 November 2026

Stage 3 Responses reviewed and published: 4 December 2026

Stage 4 Consultation outcome (decision or policy statement)

How to respond

We want to hear from anyone interested in this consultation. Please send your response to the person or team named on the front page of this document.

We have asked for your feedback in each of the questions throughout. Please respond to each one as fully as you can.

We will publish non-confidential responses on our website.

Your response, data, and confidentiality

You can ask us to keep your response, or parts of your response, confidential. We will respect this, subject to obligations to disclose information. For example, under the Freedom of Information Act 2000, the Environmental Information Regulations 2004, statutory directions, court orders, government regulations, or where you give us explicit permission to disclose. If you do want us to keep your response confidential, please clearly mark this on your response and explain why.

If you wish us to keep part of your response confidential, please clearly mark those parts of your response that you do wish to be kept confidential and those that you do not wish to be kept confidential. Please put the confidential material in a separate

Consultation Redaction policy annex of the re-opener guidance for carbon dioxide transport and storage
appendix to your response. If necessary, we will contact you to discuss which parts of the information in your response should be kept confidential and which can be published. We might ask for reasons why.

If the information you give in your response contains personal data under the General Data Protection Regulation (Regulation (EU) 2016/679) as retained in domestic law following the United Kingdom's withdrawal from the European Union ("UK GDPR"), the Gas and Electricity Markets Authority will be the data controller for the purposes of GDPR. Ofgem uses the information in responses in performing its statutory functions and in accordance with section 105 of the Utilities Act 2000. Please refer to our Privacy Notice on consultations, see Appendix 4.

If you wish to respond confidentially, we will keep your response confidential, but we will publish the number, but not the names, of confidential responses we receive. We will not link responses to respondents if we publish a summary of responses, and we will evaluate each response on its own merits without undermining your right to confidentiality.

How to track the progress of a consultation

1. Find the web page for the call for input you would like to receive updates on.
2. Click 'Get emails about this page', enter your email address and click 'Submit'.
3. You will receive an email to notify you when it has changed status.

A consultation has three stages: 'Open', 'Closed (awaiting decision)', and 'Closed (with decision)'.

Consultation Redaction policy annex of the re-opener guidance for carbon dioxide transport and storage

2. Re-opener Guidance Amendment - Redaction Policy

The following section comprises the new annex in its entirety. We have added consultation questions following each section. Please use these as prompts when responding.

Introduction

Purpose

- A1.1 The purpose of this appendix is to provide clear guidance on the redaction of information from documents prior to publication. It establishes a standardised approach across all Re-opener applications and publications, helping to ensure that any redactions are justified, proportionate and applied consistently.
- A1.2 Whilst this appendix focuses on Re-opener applications and publications, the principles for redactions may be applicable to other documents across the carbon dioxide transport and storage regime.
- A1.3 This appendix sets out how Ofgem and Licensees should assess whether information should be redacted before a document is released, published or shared. Its aim is to ensure that published information remains transparent and sufficiently informative to support meaningful scrutiny, while protecting sensitive and confidential information, and complying with all legal obligations.

Context

- A1.4 In the interest of transparency and in accordance with our statutory duties, including our duties to promote the interests of both current and future Users and promote the efficient and economic development and operation of T&S Networks, we consider that relevant information should generally be made publicly available. Accordingly, where publication of information would further promote those objectives, it will ordinarily be appropriate for us to publish that information, subject to any legal or other justified constraints as set out in this appendix.
- A1.5 Providing information and explanation to Users and other stakeholders can strengthen regulatory accountability, enable them to make informed choices, and provide routes to engagement that can support innovation.
- A1.6 Making relevant information publicly available in the context of Re-opener application submissions, for example, ensures that our decisions serve Users' long-term interests and represent value for money.
- A1.7 All relevant information is therefore deemed suitable for publication, unless its publication would result in unwarranted economic harm to Licensees or other

Consultation Redaction policy annex of the re-opener guidance for carbon dioxide transport and storage

industry stakeholders, negatively impact competition, harm to employees, identifiable individuals, or raise public safety/national security concerns, or would otherwise conflict with Data Protection obligations or other Legal or Regulatory requirements as set out in section A1.16 below. Where Licensees request that we make redactions, the request must be sufficiently justified. Where Licensees seek to make redactions on their own publications, we expect Licensees to publish an explanation of what information has been redacted (i.e. the nature of the redaction) and the reasons for the redaction.

- A1.8 Redaction is a term used to describe the editing process whereby information is removed from a document. It is a process which is undertaken to render information unreadable. This is done by blocking out individual words, figures, numbers, sentences and paragraphs or by removing whole pages or sections prior to the release of the document.
- A1.9 The aim of this guidance is to ensure that an open, transparent and clear approach is in place for the redaction of:
- i. Confidential Information;
 - ii. Commercially Sensitive Information;
 - iii. Information that may pose a [risk to National Security](#);
 - iv. Legally privileged information; and
 - v. Information which may be subject to a Non-Disclosure Agreement (NDA).
- A1.10 The definitions of ‘Confidential Information’ and ‘Commercially Sensitive Information’ and the approach to be taken for information relating to ‘National Security’ and Legally privileged information, for the purpose of this guidance, are set out in sections A1.20 to A1.36.
- A1.11 More details on what information is considered to fall into above mentioned categories is provided in the following sections.

Approach to Redacting Information

- A1.12 In deciding whether or not to redact information, we expect to have regard to the need for excluding, so far as practicable, any matter which relates to the categories of information set out in A2.9 above, including the affairs of a particular individual or body (corporate or unincorporated), where publication of that matter would or might, in the opinion of the Authority, seriously and prejudicially affect the interests of that individual or body.
- A1.13 Where there is a question of whether certain information should be redacted, we intend to consult any individual or body before deciding to publish any information or advice relating to that particular individual or body.

Consultation Redaction policy annex of the re-opener guidance for carbon dioxide transport and storage

A1.14 We aim to ensure that redaction and interpretation of data work together so that, for example, where we cannot publish the information, we might be able to provide a summary or at least indicate how we used the redacted data. We intend to adopt a proportionate approach to our disclosures. If redaction would be overly burdensome or would result in publication of information of little value, we intend to follow the approach outlined below and summarise or explain the unpublished material.

Scope

A1.15 This guidance applies to all Re-opener submissions to Ofgem and Licensees' Re-opener publications. Licensees are to comply with this guidance when publishing documents (see 'Process for publication of Licensee's documents' section below). As stated in section A2.2, the principles for redactions may be applicable to other documents across the carbon dioxide transport and storage regime.

Legal and Regulatory Requirements

A1.16 We will comply with all relevant legislative and regulatory requirements in relation to the publishing, disclosure and to the withholding of information, where appropriate. We will handle, publish, release, share or manage information in accordance with the [Utilities Act 2000](#), [Data Protection Act 2018](#), [Freedom of Information Act 2000](#), and our common law duty of confidentiality, and other relevant legislation.

Ofgem's publications

A1.17 To achieve the purpose we have stated above, for Ofgem publications, when redacting documents, the procedure set out below shall be followed:

- i. When making a submission containing information that the Licensee considers requiring redaction in line with this guidance, the Licensee should highlight areas it considers should be redacted and explain the reasons it considers redaction is required. The Licensee should provide both unredacted and provisionally redacted versions of the relevant documents/files to Ofgem.
- ii. Ahead of publication, Ofgem will review documents for publication and redact what we consider necessary to redact in line with this guidance. If it is unclear whether the redaction is necessary, Ofgem may ask the Licensee for further evidence or explanation.
- iii. Where we consider it necessary, Ofgem will share draft versions of the documents with Licensees to seek their views on proposed redactions.
- iv. We will also consider whether any information would pose a risk to national security, where we expect to refer to the [ICO national security](#)

Consultation Redaction policy annex of the re-opener guidance for carbon dioxide transport and storage

[exemption guidance](#). In the case of information that may pose risk to security, it may be appropriate to withhold the entirety of the documents from publication, in such cases no explanation on the lack of publication needs to be published.

- v. Ofgem will publish the redacted version of the documents on its website and/or [EPR](#) and will, where appropriate and feasible, share the un-redacted version with the relevant Licensee. We may also provide an appropriate explanation as to why certain information has been redacted.

Licensee's publications

A1.18 When a Licensee is publishing documents in accordance with licence requirements or guidance, the procedure set out below shall be followed:

- i. The Licensee shall review the contents of the documents against this guidance.
- ii. Where a Licensee is confident that information or data falls within this guidance then it must apply appropriate redactions.
- iii. If the Licensee has any doubt as to whether any information or data falls within the guidance, then the Licensee must seek confirmation from Ofgem.
- iv. The Licensee should publish the documents in line with any guidance that Ofgem has provided as well as an explanation of the nature of the redactions and reasons for them.

General Considerations

A1.19 Ofgem will consider all requests for redaction and will redact documents only where there is a good reason to do so. This will be decided on a case-by-case basis provided there is sufficient rationale and justification from the Licensee for the information to be redacted in accordance with Section A1.17. In the interest of transparency, even when certain information is redacted, Ofgem aims to publish a summary of the details (e.g. the total Re-opener value and values against each work package), as set out in section A1.16.

Confidential Information

A1.20 'Confidential Information' means any information that ought to be considered as confidential (however it is conveyed, or on whatever media it is stored) including:

- i. any information provided by any person or body to us under the [Utilities Act 2000](#), the [Energy Act 2023](#) or any other statute in accordance with our functions as regulator;

Consultation Redaction policy annex of the re-opener guidance for carbon dioxide transport and storage

A1.21 information which, if disclosed, would or would be likely to unfairly prejudice the legitimate business or commercial interests of a Licensee, the party to which the information relates, or another third party; and

- i. all personal data and sensitive personal data within the meaning of the [Data Protection Act 2018](#).

A1.22 Confidential Information shall not include information which:

- i. was public knowledge at the time of disclosure;
- ii. was in the possession of Ofgem without restriction as to its disclosure, before receiving it from the Licensee for the purpose to which redaction is sought;

A1.23 is received from a third party (who lawfully acquired it) without restriction as to its disclosure; and

- i. is independently developed without access to the Confidential Information.

A1.24 Please note that the list above is not exhaustive and its purpose is to provide guidance on what information may be deemed non-confidential.

Questions

- Q1. In your view, is the purpose of the redaction policy annex clear?
- Q2. Do you agree that the redaction guidance is appropriate and suitable for all foreseeable use cases?
- Q3. Do you have any additional comments?

Commercially Sensitive Information

A1.25 ‘Commercially Sensitive Information’ means information that (a) constitutes a trade secret; or (b) if disclosed would, or would be likely to, unfairly prejudice the commercial interests of any person (including the party holding it). For example, information that identifies or could reveal tendered unit cost of assets or services that Licensees source from third party providers on a competitive basis (e.g. goods and services in relation to the construction, operation, and maintenance of the network, and consultancy costs) may be considered commercially sensitive and may be detrimental to a Licensee’s ability to operate procurement processes in an economic, efficient and effective manner.

A1.26 To ensure Ofgem’s publications provide meaningful and transparent information without distorting the market or disclosing Commercially Sensitive Information, some data may be published in simplified/high level form (e.g. aggregated costs instead of exact unit cost data; or total project values rather than disaggregated component costs). This will be decided on case-by-case basis.

Consultation Redaction policy annex of the re-opener guidance for carbon dioxide transport and storage

A1.27 Commercially Sensitive Information also includes information that could breach competition law and confidentiality arrangements when disclosed. For instance:

- i. Customer lists;
- ii. Production costs;
- iii. Purchasing costs;
- iv. Sales information;
- v. Pricing information;
- vi. Procurement information; and
- vii. Price sensitive information (information that is likely to have a significant effect on share prices if it were made public).

Questions

Q4. Do you think this section adequately defines commercially sensitive information?

Q5. Do you think Ofgem's guidance on redacting commercially sensitive information is appropriate?

National Security

A1.28 In accordance with Section 24 of the [Freedom of Information Act](#), information that may pose a risk or threat to national security should be redacted from the document. This has to be decided on case-by-case basis. When deciding whether the information should or should not be redacted due to a possible risk to national security, consideration should be given to the potential consequences of disclosing the information, as well as to the provisions and guidance contained in the [National Security Act 2023](#) and the [National Security Strategy 2025](#).

A1.29 In context of this guidance, national security means security of the United Kingdom and its people. Although there are no standardised definitions for 'national security', the Information Tribunal provided further details in the [2007 Norman Baker versus the Information Commissioner and the Cabinet Office](#) appeal decision, of what it considers as "national security". According to the Information Tribunal, the interests of national security are not limited to actions by an individual which are targeted at the UK, its system of government or its people. Even actions targeted at a foreign state may indirectly pose a risk to the security of the UK.

Consultation Redaction policy annex of the re-opener guidance for carbon dioxide transport and storage

A1.30 The definition provided by the Tribunal is fairly general which allows its flexible interpretation. This ensures the definition can be adapted to an ever-changing environment and thus can address a wide range of emerging threats.

Questions

- Q6. Do you think this section adequately defines national security?
- Q7. Do you think Ofgem's guidance on redacting information which may pose a risk to national security is appropriate?

Non-Disclosure Agreements (NDAs)

A1.31 NDAs are a matter for Licensees themselves, and on their own are not sufficient reason for redaction or non-compliance with this guidance. While we will acknowledge the existence of an NDA, we are bound by our statutory duties, including our duties to promote the interests of both current and future Users and promote the efficient and economic development and operation of T&S Networks.

A1.32 We are also subject to our own legal obligations such as Freedom of Information (FOI) as set out in the [Freedom of Information Act 2000](#). NDAs with third parties do not automatically override the FOI obligations and have to be considered on case-by-case basis.

A1.33 NDAs may cover a variety of information, including Confidential Information, Commercially Sensitive Information and information that may pose a risk or threat to national security.

A1.34 NDAs can be taken into account as evidence of confidentiality. Where information is covered by an NDA to which the Licensee is a party, then the Licensee must provide sufficient justification as to why disclosure would result in unwarranted economic harm to Licensees or other industry stakeholders. Whether information covered by an NDA will be disclosed to the public will be decided on a case-by-case basis.

A1.35 We expect Licensees to work with us in an open and co-operative way, and not to improperly use an NDA to prevent or limit disclosure of relevant information and details in their publications.

Questions

- Q8. Do you think this section adequately covers the use of NDAs?
- Q9. Do you think Ofgem's guidance on NDAs is appropriate?

Legally Privileged Information

A1.36 Legally privileged information refers to sensitive and confidential information or advice shared between a client and their lawyer and as such cannot be subject

Consultation Redaction policy annex of the re-opener guidance for carbon dioxide transport and storage to disclosure. Legally privileged information on its own is a sufficient reason for redaction.

Questions

Q10. Do you think this section adequately defines legally privileged information?

Q11. Do you think Ofgem's guidance on redacting legally privileged information is appropriate?

Consultation Redaction policy annex of the re-opener guidance for carbon dioxide transport and storage

Send us your feedback

We believe that consultation is at the heart of good policy development. We are keen to receive your comments about this consultation. We would also like to get your answers to these questions:

- Do you have any comments about the quality of this document?
- Do you have any comments about its tone and content?
- Was it easy to read and understand? Or could it have been better written?
- Are its conclusions balanced?
- Did it make reasoned recommendations?
- Do you have any further comments?

Please send your feedback to stakeholders@ofgem.gov.uk.

Consultation Redaction policy annex of the re-opener guidance for carbon dioxide transport and storage

Appendix 1. Privacy policy

Personal data

The following explains your rights and gives you the information you are entitled to under the General Data Protection Regulation (GDPR).

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the controller and contact details of our Data Protection Officer

The Gas and Electricity Markets Authority is the controller, (for ease of reference, “Ofgem”). The Data Protection Officer can be contacted at dpo@ofgem.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

As a public authority, the GDPR makes provision for Ofgem to process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

4. With whom we will be sharing your personal data

We do not intend to share your personal data outside of Ofgem.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for 12 months following publication of the final decision on the modifications, including subsequent legal proceedings regarding a decision related to this consultation.

6. Your rights

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right to:

- know how we use your personal data
- access your personal data
- have personal data corrected if it is inaccurate or incomplete
- ask us to delete personal data when we no longer need it
- ask us to restrict how we process your data

Consultation Redaction policy annex of the re-opener guidance for carbon dioxide transport and storage

- get your data from us and re-use it across other services
- object to certain ways we use your data
- be safeguarded against risks where decisions based on your data are taken entirely automatically
- tell us if we can share your information with 3rd parties
- tell us your preferred frequency, content and format of our communications with you
 - to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/> or telephone 0303 123 1113.

7. Your personal data will not be sent overseas

8. Your personal data will not be used for any automated decision making.

9. Your personal data will be stored in a secure government IT system.

10. More information For more information on how Ofgem processes your data, view our [Ofgem privacy policy](#).