

UK coalition members

ABColumbia
Action Aid
Amnesty International UK
Burma Campaign
CAFOD
Campaign Against Arms Trade
CARE International UK
Christian Aid
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Corporate Responsibility
Engineers Against Poverty
Global Poverty Project
Global Witness
Natural Resource Governance
Institute
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OpenCorporates
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Oxfam Great Britain
Progressio
Save the Children UK
Scottish Catholic International
Aid Fund
Tearfund
Transparency International UK
United Nations Association of
the UK
World Vision International

David Gauke MP
Financial Secretary to the Treasury
HM Treasury
1 Horse Guards Road
London SW1A 2HQ

10 July 2015

Dear Financial Secretary

UK-listed extractive companies and open data reporting

We write concerning the forthcoming reports on payments to governments by extractive companies listed on EU-regulated markets in the UK, such as on the London Stock Exchange's main market,¹ and the Government's commitments to apply principles of open data to extractives' data² and to make data open by default.³

We welcome that the Financial Conduct Authority is running tests aimed at enabling the National Storage Mechanism/Morning Star to accept company payment reports in open data format, as per the Department for Business, Innovation & Skills and Companies House schema for UK-incorporated companies,⁴ and to provide open, machine-readable data outputs for users.

However, since the FCA's January 2015 policy statement that "We will not be imposing a prescribed reporting format at this time",⁵ we have informed Treasury and FCA officials of our major concerns with such intended non-prescription. We understand from officials that there continue to be no plans to require LSE-listed companies that are *not* UK-incorporated to report their payments to the NSM/Morning Star in open data format, which would result in no provision for users of such reports as open and machine-readable data.

This position appears to contradict the UK's Open Government Partnership and G8 commitments noted above. The Government recognised with its 2013 G8 partners that "Open government data are an essential resource of the information age ... [and] increase awareness about how countries' natural resources are used", and recognised also that machine readability is a core element of open data.⁶

¹ Financial Conduct Authority, Disclosure and Transparency Rules (Reports on Payments to Governments) Instrument 2014, http://media.fshandbook.info/Legislation/2014/FCA_2014_63.pdf

² Cabinet Office, Open Government Partnership National Action Plan 2013-15, commitment 21, page 49, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255901/ogp_uknationalactionplan.pdf

³ Prime Minister's Office, 2013 Lough Erne G8 Leaders' Communiqué, para. 47, <https://www.gov.uk/government/publications/2013-lough-erne-g8-leaders-communication>

⁴ Companies House, Extractive industries reporting: draft schema and step by step guide, <https://www.gov.uk/government/news/extractive-industries-reporting-draft-schema-and-step-by-step-guide>

⁵ Financial Conduct Authority Policy Statement PS15/1, Early implementation of the Transparency Directive's requirements for reports on payments to governments, Jan. 2015, page 8, <https://www.fca.org.uk/static/documents/policy-statements/ps15-01.pdf>

⁶ Lough Erne G8 Leaders' Communiqué, op. cit., para. 47; *ibid.*, para. 46; Cabinet Office, G8 Open Data Charter, 2013, Principle 5, pages 5 and 8, <https://www.gov.uk/government/publications/open-data-charter/g8-open-data-charter-and-technical-annex>

Among the major LSE-listed but non-UK-incorporated extractive companies about whose global operations and payments to governments there is legitimate public concern are Gazprom, Glencore, Total, Rosneft and Lukoil.

Civil society, investors and other extractive industry payment data users need open and machine-readable data to gain a more comprehensive picture of natural resource payments, thus to meet the Government's objectives of improving accountability via transparency and reducing the space for corruption.⁷

The UK has set an example to the world in championing extractive industry transparency, open government and open data. It would in our view be a serious omission not to fully apply open data reporting standards to all UK-listed oil, gas and mining companies. This omission would, we believe, seriously weaken the UK's extractives transparency regime, contradict the Government's OGP NAP and 2013 G8 commitments, and undermine the UK's international credibility as a leader in anti-corruption.

If our understanding is correct that the Government does not currently intend to apply open data reporting requirements to non-UK-incorporated UK-listed companies, we would urgently request you to meet with us to discuss the matter.

With kind regards.

Yours sincerely



Robert Barrington
Executive Director
Transparency International UK



Kathleen Spencer Chapman
Head of UK Policy &
Government Relations
Oxfam GB



Marinke van Riet
International Director
Publish What You Pay



Shauna Leven
Anti-Corruption Campaigns
Director
Global Witness



Diane Sheard
UK Director
ONE



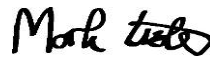
Neil Thorns
Director of Advocacy &
Communications
CAFOD



Paul Cook
Advocacy Director
Tearfund



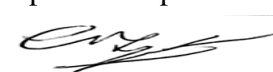
Bishop Michael Doe
Chair of Board
Ecumenical Council for
Corporate Responsibility




Mark Lister
Chief Executive
Progressio



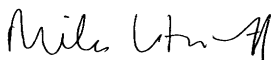
Jonathan Gray
Director of Policy & Research
Open Knowledge



Chris Taggart
Chief Executive
OpenCorporates



Joseph Williams
Senior Advocacy Officer
Natural Resource Governance Institute



Miles Litvinoff
Coordinator, Publish What You Pay UK
mlitvinoff@pwpuk.org; tel. 01442 825060 / 07984 720103

⁷ Explanatory Memorandum to the Payments to Governments and Miscellaneous Provisions Regulations 2014, para. 7.1, <http://www.legislation.gov.uk/ukxi/2014/3293/memorandum/contents>