

Reference: 01772247

Information Requests
information.requests@ofcom.org.uk

22 February 2024

Freedom of Information request: Right to know request

Thank you for your request for incident information relating to our duties under the Network and Information Systems Regulations 2018.

We received this request on 30 January 2024 and we have considered your request under the Freedom of Information Act 2000 ("the FOI Act").

Background

Operators of essential services ("OESs") have a duty under regulation 11 of the Network and Information Systems Regulations 2018, as amended ("NIS Regs") to notify us in writing of "any incident which has a significant impact on the continuity of the essential service which that OES provides" ("a network and information systems ("NIS") incident"). In determining the significance of the impact of an incident, OESs must have regard to Ofcom's guidance on thresholds at which it considers NIS incidents would have a significant impact on the continuity of the essential services falling within the digital infrastructure subsector. If the thresholds are met or exceeded in relation to an essential service, the OES is required to report the incident to us as a NIS incident.

Your request and our response

"I am interested in the cyber security measures used to protect critical infrastructure in the UK, a matter of significant public interest, and so would like to request information about your department's operation of the Network and Information Systems Regulations 2018 ("NIS Regs") under the Freedom of Information Act 2000.

For each of the last three calendar years (i.e. 2023, 2022 & 2021) please could you let me know:

- The total number of network and information systems incidents notified to your department by relevant OESs/RDSPs under the NIS Regs*

- For each such notification please provide: (i) the year of the notification, e.g. 2023/2022s/2021"*

The table below shows reports that met or exceeded the threshold.

Year	Reported (that meet or exceed reporting thresholds)
2021	0
2022	1
2023	0

“(ii) where you regulate more than one sector, the sub-sector of the entity making the notification (e.g. Electricity/Gas);”

Please note that we only regulate one sector which is Digital infrastructure, so these reports relate only to that sector.

“(iii) whether the notification was made within the 72 hour reporting window;”

The one incident that met or exceeded reporting thresholds was reported within the 72 hour window.

“and (iv) whether formal enforcement action was taken.”

No mandatory notified incident has required formal enforcement action.

For each instance in which formal enforcement action was taken, as set out above, please you could you let me know:

(a) The power exercised, e.g. information notice, use of powers of inspection, service of an enforcement notice or issue of a penalty.

(b) If the power exercised was a fine, the amount of the fine.”

As stated above, no mandatory notified incident has required formal enforcement action.

I hope this information is helpful. If you have any further queries, then please send them to information.requests@ofcom.org.uk – quoting the reference number above in any future communications.

Yours sincerely,

Information Requests

Request an internal review

If you are unhappy with the response you have received to your request for information, or think that your request was refused without a reason valid under the law, you may ask for an internal review. If you do, it will be subject to an independent review within Ofcom. We will either uphold the original decision, or reverse or modify it.

If you would like to ask us to carry out an internal review, you should get in touch within two months of the date of this letter. There is no statutory deadline for us to complete our internal review, and the time it takes will depend on the complexity of the request. But we will

try to complete the review within 20 working days (or no more than 40 working days in exceptional cases) and keep you informed of our progress.

Please email the Information Requests team (information.requests@ofcom.org.uk) to request an internal review.

Taking it further

If you are unhappy with the outcome of our internal review, then you have the right to [complain to the Information Commissioner's Office](#).