

Reference: 02032459

Information Requests
information.requests@ofcom.org.uk

14 August 2025

Freedom of Information request: Right to know request

Thank you for your request for information relating to Ofcom's enforcement activities under the Network and Information Systems (NIS) Regulations 2018.

We received this request on 4 July 2025 and we have considered it under the Freedom of Information Act 2000. On 1 August 2025 we wrote to you to explain we needed more time to consider the public interest in disclosing the information.

Your request

I am requesting access to information held by Ofcom relating to your responsibilities under the Network and Information Systems (NIS) Regulations 2018, specifically on enforcement activities during the period January 1, 2021 to December 31, 2024.

1. Internal Deliberations and Assessment Documents

Please provide:

- * Minutes of internal meetings, policy papers, or presentations where Ofcom staff discussed enforcement of the NIS Regulations.*
- * Internal reports or assessments on Ofcom's enforcement approach, resource allocation, or prioritisation of regulatory functions under the NIS framework.*
- * Correspondence (including emails) or briefings prepared for senior leadership, board members, or external stakeholders that discuss enforcement strategy, challenges, or changes in approach during the 2021–2024 period.*

2. Incident Handling and Enforcement Rationale

Please provide:

- * Any internal records (e.g. case notes, internal memos, meeting summaries) that explain or justify the non-enforcement outcomes of the two reported NIS-related incidents in 2022 and 2024.*
- * Documents recording decisions not to pursue enforcement, including any thresholds or criteria used to determine whether enforcement action was warranted.*

I am not requesting personal data or technical details of the incidents themselves. If the retrieval of correspondence is considered too burdensome, I am willing to refine the scope to named officials or enforcement units responsible for cyber/NIS oversight at Ofcom.

Our response

We set out below some background information before turning to your specific request.

Ofcom makes decisions regarding the enforcement of potential contravention(s) of regulatory requirements on a case-by-case basis. Where there may be evidence of contraventions, the matter is referred to our enforcement team who will consider what action is appropriate in the circumstances, including whether to progress matters to investigation. The enforcement team consider several factors as part of their deliberations, including:

- the risk of harm;
- the strategic significance of addressing the alleged conduct; and
- the availability and prioritisation of resources.

The same process would be followed for possible contraventions of the NIS regulations by an Operator of Essential Services (OES). Further information regarding Ofcom's enforcement powers and general approach to NIS-related matters are outlined in the following documents:

- [Ofcom's Regulatory Enforcement Guidelines](#), December 2022 – specifically see pages 50–54 for the NIS-related enforcement approach.
- [NIS Guidance, 2023 update](#) – this replaced the 2021 version and refers back to the Regulatory Enforcement Guidelines mentioned above. See also [NIS-Guidance-Statement.pdf](#), paragraphs 2.9 – 2.10 .

Turning to your specific questions in turn:

Question 1

We have interpreted this to relate only to specific enforcement activities that took place during the period of January 2021 to December 2024. We do not hold this information as we have not undertaken any enforcement activities against any OES under the NIS regulations in the specified period.

Notwithstanding, we continue to perform our duties as a competent authority under the NIS Regulations and Ofcom is ready to consider enforcement action where appropriate.

Question 2

Ofcom's NIS Guidance – the links for which are included above – set out the process, format and thresholds for the reporting of incidents under the NIS regulations. Ofcom's Enforcement Guidelines – also set out above – outlines possible enforcement responses to such incidents. Generally, it is our enforcement team that considers whether or not to pursue enforcement in a particular case.

Regarding the incidents that you have referenced in your request, we were satisfied that relevant procedural steps were suitably followed within the correct reporting deadline, and the incidents were promptly resolved. Therefore, these incidents were not escalated to our enforcement team for consideration.

After careful review, the information we hold on this matter does not cover the specific information requested under question 2 i.e. does not relate to explanations, justifications or decisions not to pursue enforcement – as explained above, these matters were not escalated to our enforcement team for consideration.

We 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](#).