

Your response

Questions concerning Ofcom’s draft general statement of policy under section 105Y of the Communications Act 2003 (see Annex A5).

Question	Your response
<p>Consultation question 1: Do you have any comments on our proposed approach to compliance monitoring?</p>	<p><i>Is this response confidential? –N</i></p> <p>Ofcom’s key objective is to ensure that providers are implementing appropriate organisational and technical measures to comply with the Communications Act 2003 and Electronic Communications (Security Measures) Regulations 2022 (“the Regulations”) at a sufficient pace.</p> <p>We understand the information requests proposed by Ofcom will primarily be focussed on the extent to which security measures providers have in place align with the Telecommunications Security Code of Practice (“the Code”) and any <i>alternative or additional</i> measures providers have, or intend to implement.</p> <p>Ofcom has stated that what is appropriate and proportionate in terms of the security measures is likely to differ depending on the size of the provider. Whilst we agree that the size of the provider is a relevant factor, we believe that the <i>type</i> of provider is also relevant. What is appropriate and proportionate depends on the different types of providers in the communications market, the operational activities they undertake, how these activities translate into risks for the communications market and whether the security measures are within the relevant provider’s control. Many of the security measures in the Code (as currently drafted), against which all providers will be assessed, would, and can only be, the responsibility of the Primary Service Provider</p>

	<p>(i.e. a Reseller with network infrastructure or Network Operator).</p> <p>The lack of distinction between different types of providers in the Code means that under Ofcom’s approach <i>all</i> providers will be assessed against <i>all</i> measures. This creates an unnecessary administrative burden on smaller and/or service only providers who will be subject to regulatory interrogation against security measures over which they have no control.</p> <p>Providers should only be required to confirm their compliance with the security measures and intended outcomes that are within their control. Where providers consume the services of other, often larger, providers, they should be able to rely on the compliance status of those providers. This would reduce the administrative and resource burden on smaller and/or service only providers and allow for Ofcom to confirm compliance across the market at an earlier stage, as most smaller providers will be consuming the services of tier 1 providers who are required to implement the security measures at an earlier date and are being assessed earlier in line with Ofcom’s priorities.</p>
<p>Consultation question 2: Do you have any comments on our proposed approach to testing?</p>	<p>We do not have any comments on the proposed approach to testing.</p>
<p>Consultation question 3: Do you have any comments on our proposed approach to enforcement?</p>	<p>As set out above in our response to question 1, we are concerned that smaller and/or service only providers will be subject to regulatory interrogation against security measures over which they have no control.</p> <p>Without a mechanism in Ofcom’s assessment framework to allow for smaller and/or service providers to rely on the compliance status of the providers from which they consume services, these providers will be unable to confirm how they align with the Code or the alternative measures they have in place, when they have no control of the intended security outcome. This could lead to increased regulatory interrogation through additional information requests and</p>

	testing under Ofcom's approach to enforcement.
Consultation question 4: Do you have any comments on our proposed approach to reporting security compromises?	We do not have any comments on the proposed approach to reporting security compromises.
Consultation question 5: Do you have any comments on our proposed approach to information sharing?	We do not have any comments on the proposed approach to information sharing.
Consultation question 6: Do you have any other comments on our draft statement of general policy set out at Annex A5 to this consultation?	

Questions concerning Ofcom's draft guidance on resilience requirements in sections 105A to D of the Communications Act 2003 (see Annex A6).

Question	Your response
Consultation question 7: Do you have any comments on our proposed approach to resilience set out in section 4 of the draft guidance at Annex A6 to this consultation?	<i>Is this response confidential? – N</i> We do not have any comments on the proposed approach to resilience.
Consultation question 8: Do you have any comments on our proposed resilience guidance set out in section 5 of the draft guidance at Annex A6 to this consultation?	We do not have any comments on the proposed resilience guidance.
Consultation question 9: Do you have any other comments on our draft guidance set out at Annex A6 to this consultation?	

Please complete this form in full and return to securityconsultation@ofcom.org.uk