

Clarification about regulation 7(4)(a)(ii) of The Electronic Communications (Security Measures) Regulations 2022

Regulation 7 of The Electronic Communications (Security Measures) Regulations 2022 (the '**2022 Regulations**') requires public telecoms providers (the '**primary providers**') to take appropriate and proportionate measures with their third party suppliers to help to identify and reduce risks of security compromise.

In particular, regulation 7(4)(a)(ii) of the 2022 Regulations specifies the measures to be taken "where the third party supplier is itself a network provider and is given access to the primary provider's network or service or to sensitive data".

For the avoidance of doubt, it should not be assumed that Ofcom's monitoring of the third party supplier's compliance with the security duties exempts the primary provider from the duty to take such measures as are appropriate and proportionate under regulation 7(4)(a)(ii) of the 2022 Regulations.

These measures may include, for example, gathering relevant information from the network provider prior to entering into a contract as well as ensuring that the network provider will be under a contractual obligation to provide relevant information.