



Making a positive difference
for energy consumers

Email: cybersecurityteam@ofgem.gov.uk

Date: 4th October 2021

Call for Input on Ofgem's 'NIS Guidance for Downstream Gas and Electricity Operators of Essential Services in Great Britain'

Ofgem (the Gas and Electricity Markets Authority) has been designated in the Network and Information Systems Regulations 2018 (NIS Regulations) as a competent authority (CA), acting jointly with the Department for Business, Energy and Industrial Strategy (BEIS), for the Downstream Gas and Electricity (DGE) sectors in Great Britain.

We are seeking input (a Call for Input) on a revised version of our 'NIS Guidance for Downstream Gas and Electricity Operators of Essential Services in Great Britain' and supporting reporting templates. In this letter, we will outline the scope, purpose and key questions we would be interested in hearing from stakeholders on in the Call for Input.

The Call for Input is open for 8 weeks and will close **on 30th November 2021**. We will consider all responses received before this deadline and will then make a decision about publication of the revised versions of the guidance and templates.

Please share any responses and any requests for further information to cybersecurityteam@ofgem.gov.uk with the subject of 'NIS Guidance – Call for Input'.

Scope

The revised guidance is for Operators of Essential Services (OES), as defined by the NIS Regulations, with undertakings in DGE in Great Britain. Our guidance sets out a process to assist OES in performing their regulatory duties and in continually managing security with

respect to the network and information systems on which their essential services rely, or which are used for the provision of an essential service.

Our guidance fulfils the duties of the CA laid out at regulation 3(3) of the NIS Regulations and OES must have regard for this guidance under regulations 10(4) and 11(12) of the NIS Regulations.

The following documents form part of this Call for Input:

Guidance document

- NIS Guidance for Downstream Gas and Electricity Operators of Essential Services in GB v1.0

Reporting templates

- NIS Self-Assessment and Improvement Report Template v1.0
- NIS Annual Report Template v1.0
- NIS Quarterly Check-in Report Template v1.0

We note that the reporting templates will not be published on the 4th October 2021, these will be published shortly after.

Purpose

The first iteration of our guidance was focussed on the initial implementation of the NIS Regulations, specifically around establishing the relationship between the CA and OES community and introducing the concepts of self-assessment, improvement planning and incident reporting. The revised version will, once completed, supersede the previous guidance and be issued to support OES with on-going compliance with the NIS Regulations.

The revised guidance seeks to build upon the existing compliance and reporting approaches documented within our current guidance. Key changes from our current guidance include:

- Details of additional NIS-related roles and responsibilities;
- An enhanced set of NIS Reporting Requirements (formerly self-assessment parts 1-2);
- An enhanced set of compliance report types and pre-defined timelines for regular submissions such as the NIS Annual Report; and
- Provision of revised and new templates to support compliance reporting.

Although the CA is not required to consult on guidance under the NIS Regulations, we would like to seek input from stakeholders regarding our guidance.

Questions

In addition to general feedback on the guidance and templates, we are seeking input on the following:

- With respect to the guidance, are the compliance and reporting approaches, clearly presented? Do you think the approaches are sensible? If not, why? We invite views on any aspect of the draft guidance, including suggestions for changes or additions.
- With respect to the templates, are these presented clearly? Do you think the templates will support effective reporting? If not, why? We invite views on any aspect of the draft guidance, including suggestions for changes or additions.

Please provide any supporting information or evidence to explain your responses.

Use of information provided to Ofgem

Given the sensitive nature of NIS related matters, we do not intend to publish responses to our Call for Input although we may publish a summary of them. You may wish to ask us to keep your response, or parts of your response, confidential. We'll respect this unless disclosure is required or appropriate under any relevant legislation, including the NIS Regulations. Please also note that the Gas and Electricity Markets Authority is subject to obligations to disclose information in certain circumstances, for example, under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. If you do want us to keep your response confidential, please clearly mark this on your response and explain why.

If the information you give in your response contains personal data under the General Data Protection Regulation (Regulation (EU) 2016/679) as retained in domestic law following the UK's withdrawal from the European Union (UK GDPR), the Gas and Electricity Markets Authority will be the data controller for the purposes of GDPR. Ofgem uses the information in responses in performing its statutory functions and in accordance with relevant statutory provisions (e.g. the NIS Regulations and section 105 of the Utilities Act 2000). Please refer to Appendix 1 for further information.

We thank you in advance for taking the time to consider this Call for Input and look forward to receiving any responses.

Appendix 1 – Privacy notice

Personal data

The following explains your rights and gives you the information you are entitled to under UK GDPR.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the Call for Input.

1. The identity of the controller and contact details of our Data Protection Officer

The Gas and Electricity Markets Authority is the controller, (for ease of reference, "Ofgem"). The Data Protection Officer can be contacted at dpo@ofgem.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the Call for Input process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

As a public authority, the UK GDPR makes provision for Ofgem to process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a Call for Input.

4. With whom we will be sharing your personal data

As we are acting jointly with the BEIS as a CA for the DGE sectors in Great Britain, it may be necessary to share details of consultation responses with BEIS.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for up to one year after the consultation is closed.

6. Your rights

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right to:

- know how we use your personal data
- access your personal data
- have personal data corrected if it is inaccurate or incomplete
- ask us to delete personal data when we no longer need it
- ask us to restrict how we process your data
- get your data from us and re-use it across other services
- object to certain ways we use your data
- be safeguarded against risks where decisions based on your data are taken entirely automatically
- tell us if we can share your information with 3rd parties
- tell us your preferred frequency, content and format of our communications with you
- to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.

7. Your personal data will not be sent overseas

8. Your personal data will not be used for any automated decision making.

9. Your personal data will be stored in a secure government IT system.

10. More information For more information on how Ofgem processes your data, click on the link to our "[Ofgem privacy promise](#)".