

Decision – Decision on proposed modifications of NIS-R Reporting Templates for Downstream Gas and Electricity Operators of Essential Services in Great Britain

Decision on proposed modifications of NIS-R Reporting Templates for Downstream Gas and Electricity Operators of Essential Services in Great Britain

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Contact: Ajay Kumar

Team: Cyber Regulation Team

Telephone: 020 3263 2739

Email: cybersecurityteam@ofgem.gov.uk

Ofgem¹ has been designated in the Network and Information Systems Regulations 2018 (NIS-R)² as a competent authority (CA), acting jointly with the Department for Business, Energy and Industrial Strategy (BEIS)³ (recently changed to Department for Energy Security and Net Zero⁴), for the Downstream Gas and Electricity (DGE) sectors in Great Britain.

On 14 February 2023, Ofgem sought input on a revised version of our NIS Reporting Templates from all designated Operators of Essential Services (OES) in the Downstream Gas and Electricity (DGE) sector in Great Britain. This Decision document summarises the 'Call for Input' responses provided by OES and details any revisions we have made following the 'Call for Input'.

¹ References to 'GEMA,' 'Ofgem,' 'we,' 'us' and 'our' are used interchangeably in this document. GEMA refers to the Gas and Electricity Markets which is the body designated as a CA acting jointly with the Secretary of State for Business, Energy, and Industrial Strategy under Schedule 1 of the NIS Regulations. Ofgem is the Office of Gas and Electricity Markets, a non-ministerial government department which supports GEMA.

² The Network and Information Systems Regulations 2018:
<https://www.legislation.gov.uk/ukxi/2018/506/contents>

³ [Department for Business, Energy & Industrial Strategy - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

⁴ [Making Government Deliver for the British People \(HTML\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

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1. Introduction

Section summary

On 14th February 2023 we consulted on a revised version of our NIS Reporting Templates and proposed modifications to them.

We proposed to make modifications to the NIS Reporting Templates in particular to the following documents for OES in GB:

- NCSC_CAF.xls data template to “NCSC_CAF.xls - Proposed-Template v1.xlsx”
- Improvement Plan Examples v1.pptx document to “Improvement Plan Examples_v2 – Proposed.pptx”

Ofgem thanks the OES for their feedback and contribution to this activity. The OES comments have been considered within the context of the overarching reporting and template framework and we appreciate the detailed responses provided.

Context and related publications

Ofgem⁵ has been designated in the Network and Information Systems Regulations 2018 (NIS-R)⁶ as a competent authority (CA), acting jointly with the Department for Business, Energy and Industrial Strategy (BEIS)⁷ (recently changed to Department for Energy Security and Net Zero⁸), for the Downstream Gas and Electricity (DGE) sectors in Great Britain.

We sought input on a revised version of our NIS Reporting Templates.

Scope

The revised NIS Reporting Templates are for Operators of Essential Services (OES), with undertakings in DGE in Great Britain. The NIS Reporting Templates form part the

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⁶ The Network and Information Systems Regulations 2018:
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⁷ [Department for Business, Energy & Industrial Strategy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/department/departments-all-by-alphabetical#department-for-business-energy-and-industrial-strategy)

⁸ [Making Government Deliver for the British People \(HTML\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/department/departments-all-by-alphabetical#department-for-energy-security-and-net-zero)

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'NIS guidance for DGE OES in GB'⁹ issued by Ofgem as the CA for the DGE sectors in Great Britain and OES must have regard for this guidance in accordance with Regulations 10(4) and 11(12) of the NIS Regulations.

It is the responsibility of OES under the NIS Regulations to take appropriate and proportionate technical and organisational measures to manage risks posed to the security of network and information systems on which their essential service relies. OES must also take appropriate and proportionate measures to prevent and minimise the impact of incidents affecting the security of the network and information systems used for the provision of an essential service, with a view to ensuring the continuity of those services.

We have modified the NIS Reporting Templates in particular to the following documents for OES in GB:

- NCSC_CAF.xls data template to "DGE Sector CAF Report Template v2.xlsx"
- Improvement Plan Examples v1.pptx document to "Improvement Plan Examples_v2.pptx"

The above two documents were embedded within the three NIS Reporting Templates when we issued the 'Call for Input' on 14th Feb 2023. Therefore, we have updated these three NIS Reporting Templates published earlier as 'Subsidiary documents'¹⁰ and include them for your future submissions:

- NIS Self-Assessment and Improvement Report Template v3.0.docx
- NIS Annual Report Template v3.0.docx
- NIS Check-In Report Template v3.0.pptx

These documents are included alongside this decision letter.

⁹ [NIS Directive and NIS Regulations 2018: Ofgem guidance for Operators of Essential Services | Ofgem](#)

¹⁰ [NIS Directive and NIS Regulations 2018: Ofgem guidance for Operators of Essential Services | Ofgem](#)

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Our decision-making process

This Decision document summarises the 'Call for Input' responses provided by Operators of Essential Services (OES) and details any revisions we have made following the 'Call for Input'.

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Decision-making stages

Date	Stage description
14/02/2023	Stage 1: Call for Input open
14/03/2023	Stage 2: Call for Input closed, Deadline for responses
31/03/2023	Stage 3: Responses reviewed, and acknowledgement sent to OES via email
17/05/2023	Stage 4: Call for Input decision

Feedback from OES and Action Taken by Ofgem

Figure 1: There were 169 instances of feedback provided by the OES

Feedback Themes	Amount
General Comment	28
Suggestion for Change	26
Typo/Reference Error	16
No immediate action/Future Consideration	1
Administrative Resource Challenge	11
Feedback or Clarify	87
Grand Total	169

Figure 2: Breakdown of Author responses

Action Taken	Count
Actioned	73
Future consideration	22
No action required	33
Author's feedback to OES	41
Grand Total	169

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Figure 3: Which documents were affected by the Feedback

Reporting Templates	Feedback Actioned
Improvement Plan Examples_v2 – Proposed	2
NCSC_CAF.xls - Proposed-Template v1	32
NIS Annual Report and NIS Self-Assessment and Improvement Plan templates	3
NIS Annual Report Template v2.0 – Proposed	15
NIS Quarterly Check-In Report Template v2.0 - Proposed	10
NIS Self-Assessment and Improvement Report Template v2.0 - Proposed	9
General Observation	2
Total Responses	73

There were 73 instances where Ofgem agreed with the feedback provided by the OES and made changes to the affected reporting templates.

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2. Call for Input responses

Section summary

This section summarises the 'Call for Input' responses and sets out our consideration of the issues raised.

- 2.1 Table 1 below summarises the issues highlighted in the 'Call for Input' responses and our consideration of the points raised. It also states where any changes have been made to the NIS Reporting Template documents.
- 2.2 For confidentiality reasons all consultation responses have been anonymised.

Call for Input responses and decisions

Table 1: Call for Input responses

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Call for Input responses	Ofgem decision
<p>Where the OES provided Feedback or requested Clarification. There were 87 instances where the OES requested clarification on multiple areas. A few examples of a broad range of queries included areas such as use of other IT Control Frameworks to evidence compliance, role of the NIS Accountable Officer, clarification of objectives for quarterly checkins, additional review opportunity due to Enhanced Profile guidance and Board Approval.</p>	<p>34 instances where Ofgem agreed with the feedback and has taken action to make changes. 31 instances where Ofgem has prepared a clarification response to the OES. 15 instances where Ofgem will consider the feedback in future iterations of Ofgem reports or templates but has not taken any action for this decision. 7 Instances where the feedback provided was a statement and therefore no further action was required.</p>
<p>Administrative and / or Resource Challenge. There were 11 instances where the OES recorded an increased administrative burden as a result of duplication of activities such as those identified in the NIS Annual Report and Self Assessment Improvement plan templates and requirement for Board Member sign off.</p>	<p>1 instance where Ofgem agreed with the feedback and has taken action to make changes. 5 instances where Ofgem has prepared a clarification response to the OES. This will be shared on a bilateral basis with the OES. 4 instances where Ofgem will consider the feedback in future iterations of Ofgem reports or templates, but has not taken any action for this decision. 1 Instance where the feedback provided was a statement and therefore no further action was required.</p>

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Call for Input responses	Ofgem decision
<p>In 16 instances, OES's commented on the use of the term 'CEO', 'Board' and 'Board member' and noted that Ofgem should take account of the fact that some OES may have multiple Boards.</p> <p>Also, OES mentioned that gaining board approval for a self-assessment might not be achievable within the timeframe given to complete and submit the annual report.</p> <p>It was also mentioned that Associated Document: Reopener Guidance clause 2.2 already provides one method of referring to the "board" while providing some latitude for different company arrangements.</p>	<p>We recognise that OES boards might have different organisation structures.</p> <p>We also acknowledge that a board meeting might not actually take place before submission date. We have removed the date requirement.</p> <p>We have amended the template to add "where it is appropriate, by the OES's most relevant senior management body;"</p> <p>The amendments are reflected in section 7 of "NIS Self-Assessment and Improvement Report Template v3.0" and also section 7 of "NIS Annual Report Template v3.0".</p>
<p>Where the OES provided Suggestion for Change.</p> <p>There were 26 instances where the OES provided suggestion for changes. A few examples of the suggestions include areas such as changing the template name, removing old template slide, updating instructions/'how to fill' guidance to clarify expectations in the CAF assessment template and requirement for Board Member sign off.</p>	<p>24 instances where Ofgem agreed the feedback and has taken action to make changes.</p> <p>1 instance where Ofgem has prepared a clarification response to the OES. This will be shared on a bilateral basis with the OES.</p> <p>1 instance where Ofgem will consider the feedback in future iterations of Ofgem reports or templates, but has not taken any action for the current decision.</p>

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Call for Input responses	Ofgem decision
<p>NCSC_CAF.xls - Proposed-Template v1:</p> <p>With regards to the CAF assessment template, there were 21 instances where OES commented on 'CAF Journey' worksheet, specifically on Table 0, and the change log, stating that it was mandatory for OES to list each system that deviates from IGPs in Table 0. OES were concerned that that this could lead to a long list at Table 0 and involve duplication of much of the detail that's already been provided in the objective tabs.</p> <p>OES sought clarity on what Table 1 and Table 2 are trying to achieve and how OES are expected to complete it. OES sought clarity if table 2 is intended to be duplicated (if so how/where) for each 'exception' system.</p> <p>Table 1 – Column I indicates 'current year' – OES asked if should this be 'current status' instead?</p>	<p>Updated template name is "DGE Sector CAF Report Template v2.xlsx".</p> <p>Ofgem clarified in an email communication on 07th March 2023, that it is not the intent to use Table 0 to list every deviating system. Rather, Table 0 should only include those systems for which an OES is unable to meet the CAF security outcome target attainment levels or has made a risk informed decision not to do so. Table 0 will then be used to facilitate discussion between Ofgem and OES regarding the Appropriateness & Proportionality of these risk based decisions.</p> <p>We also clarified during the 27 Feb 2023 meeting that cell L3 in the Table 0 title (said - Deviating NCSC CAF Contributing Outcomes as per IGPs only) was incorrect.</p> <p>We have modified the template to clarify the intent of Table 0 and adjusted the text in cell E5. This table only relates to those systems that deviate from CAF security outcomes (not IGPs).</p> <p>For Table 0, the word 'mandatory' has been removed in both 'CAF Journey' and 'Change Log' worksheets.</p> <p>'CAF Journey' tab is renamed to 'Attainment & Exceptions'. We have made these changes and updated the Table headings in ' Attainment & Exceptions' worksheet and also made appropriate changes to 'Change Log & Instructions' worksheet to make this clear.</p> <p>We have added clarification in Change Log & Instructions' worksheet that 'Table 1' is to provide a quick visual reference to assist Ofgem, and OES, understand the rate of progress with regards the maturity of CAF attainment levels and 'Table 2' has been removed.</p>

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<p>NCSC_CAF.xls - Proposed-Template v1: OES requested that for Table 0: Please provide clear statement on what is considered a "system".</p> <p>A few OES sought clarity on historic data population in Table 1 and Table 2 and noted that Table 1 information would already have been submitted to Ofgem in previous submission.</p>	<p>Updated template name is "DGE Sector CAF Report Template v2.xlsx".</p> <p>For Table 0 we have provided a definition of an exception system in the Change Log & Instructions worksheet.</p> <p>The requirement to provide historic data has been removed from Table 1.</p> <p>Table 2 has been removed for this release.</p>
<p>NCSC_CAF.xls - Proposed-Template v1: A few comments were received regarding the NCSC CAF Reference version at the starting cells (B1 onwards) in Summary worksheet and other worksheets of the CAF assessment. OES also noted that the template had not been updated with the latest IGPs available from NCSC.</p>	<p>Updated template name is "DGE Sector CAF Report Template v2.xlsx".</p> <p>We have now made changes across all the worksheets to incorporate the feedback.</p> <p>All sheets Objective A, Objective B, Objective C and Objective D have been refreshed to adopt NCSC CAF 3.1 wording. NCSC website reference is www.ncsc.gov.uk/guidance/nis-guidance-collection</p>
<p>NCSC_CAF.xls - Proposed-Template v1: A few clarifications were sought for the expectation on CAF assessment, such as if OES needs to utilise a revised template for the Annual Report in July for period April 22 - March 23 that includes measures against EP which will not have been in force for the said period. Suggestion was that EP can only be included as a forward-looking element.</p>	<p>Updated template name is "DGE Sector CAF Report Template v2.xlsx".</p> <p>OES are to note that they are expected to submit the revised template in their Annual Reports that are due in 31st Jul '23.</p> <p>The reason for the use of the revised template in Jul '23 is that it will help OES to develop their EP related improvement plans. However, we note that the consultation position is that the EP target attainment date is the end of 2027.</p>

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<p>NIS Check-In Report:</p> <p>OES commented that the following wording is used 'any indicative NIS incidents' or sub threshold NIS incidents. The reporting threshold and process for NIS incidents is clearly defined. Therefore it either is or isn't a NIS reportable incident. (Above or below threshold) OES suggested removal of the word indicative.</p> <p>Few OES also commented that the file name included the word 'Quarterly' and should be renamed to reflect the frequency noted in guidance document.</p>	<p>Agreed. We have now removed the word 'indicative from existing template in slide 9 of "NIS Check-In Report Template v3.0" document.</p> <p>We have taken this opportunity to remove the word "indicative" in slide 8 of the "NIS Check-In Report Template v3.0" document.</p> <p>Also, we have renamed the file name to "NIS Check-In Report Template v3.0".</p>
<p>NIS Annual Report:</p> <ul style="list-style-type: none"> • OES suggested removal of word 'alternatively' in clause 1.3. • The final viewpoint is described as both 'Context' (in the contents pages and in the NIS Annual Report 'Scope' section) and 'Dependencies' (in the 'Scope' section of the Self-Assessment and Improvement Plan template). This is also the case for the current templates. • OES also sought clarification on the declaration statements in clause 1.3. 	<ul style="list-style-type: none"> • Agree with proposal- word 'alternatively' removed from clause 1.3. • Agreed – This was an error from previous versions. It has been changed now. • Clarification - We have removed the word "alternatively". The statements are up to the OES to declare as they deem fit. For example: OES can simply declare that "We confirm that no changes to 'NIS Scope' have been made since last submission of the document reference "document name dated DDMMYYYY".
<p>NIS Self Assessment:</p> <p>The final viewpoint is described as both 'Context' (in the contents pages and in the NIS Annual Report 'Scope' section) and 'Dependencies' (in the 'Scope' section of the Self-Assessment and Improvement Plan template).</p>	<ul style="list-style-type: none"> • Agreed – This was an error from previous versions. It has been changed now.

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Call for Input responses	Ofgem decision
<p>A few clarifications were sought on whether Ofgem requires detailed operational level risks to be submitted by OES, whereby the OES might be raising and closing them on a regular basis as per their risk management processes. Additionally, a query was raised on whether it is appropriate for Competent Authority to receive detailed risks against every NIS system.</p>	<p>Ofgem requires OES to include a 'Risk Assessment Results' document as part their NIS Self-Assessment and Improvement Report and NIS Annual Report submissions. Ofgem uses the Risk Assessment Results document to help form an opinion on the maturity and effectiveness of an OES' ongoing cyber security and resilience risk management process. Consequently, access to OES' risk registers is, and will remain, a key requirement for Ofgem.</p> <p>It is acknowledged, and accepted, that OES will hold a range of risk information and that OES may take the decision to exclude certain risk information from their Risk Assessment Results submission on the grounds of sensitivity. An example of such a decision would be the redaction of information providing details on technical vulnerabilities on specific systems that could be of use to an attacker. In such situations the OES should make a note that they have submitted a redacted risk register and be prepared to make full details of all risk information available to Ofgem on request.</p> <p>OES should minimise the extent of redaction to that which is absolutely necessary. Over-redaction of risk registers is likely to lead to Ofgem making follow-up requests for further information.</p>
<p>A general point was made on process which relates to how the regulator uses submitted documentation. This was particularly around the working practice of Ofgem's assurance team whereby during NIS inspections documentations are requested to be submitted.</p>	<p>We agree that sometimes the current approach might have meant the same Self-assessment document was submitted during inspection. Taking on board this feedback, we will look to improve the working practice in future.</p>

3. Conclusions and Next Steps

- 3.1 We have revised the NIS-R reporting templates to reflect the 'Call for Input' responses and our assessment of them, as detailed in chapter 2. These documents are issued alongside this Decision document.
- 3.2 In a further change to the templates as consulted on, we will now issue separate NIS-R Reporting templates to avoid any reporting ambiguity.

Next Steps

- 3.3 Ofgem will engage with the OES following issue of the updated templates so that they become effective for July 2023 NIS report submissions. Specifically, Ofgem will run sub-sector workshops during May to provide examples and clarify questions.
- 3.4 OES are to complete the NIS-R Reporting templates in accordance with the requirements set out in the 'NIS guidance for DGE OES in GB'¹¹ document.

¹¹ [NIS Directive and NIS Regulations 2018: Ofgem guidance for Operators of Essential Services | Ofgem](#)
