



Telecommunications (Security) Act 2021

2021 CHAPTER 31

Duties of providers of public electronic communications networks and services

1 Duty to take security measures

- (1) The Communications Act 2003 is amended as follows.
- (2) For sections 105A to 105D substitute—

“105A Duty to take security measures

- (1) The provider of a public electronic communications network or a public electronic communications service must take such measures as are appropriate and proportionate for the purposes of—
 - (a) identifying the risks of security compromises occurring;
 - (b) reducing the risks of security compromises occurring; and
 - (c) preparing for the occurrence of security compromises.
- (2) In this Chapter “security compromise”, in relation to a public electronic communications network or a public electronic communications service, means—
 - (a) anything that compromises the availability, performance or functionality of the network or service;
 - (b) any unauthorised access to, interference with or exploitation of the network or service or anything that enables such access, interference or exploitation;
 - (c) anything that compromises the confidentiality of signals conveyed by means of the network or service;
 - (d) anything that causes signals conveyed by means of the network or service to be—
 - (i) lost;
 - (ii) unintentionally altered; or

Changes to legislation: There are currently no known outstanding effects for the Telecommunications (Security) Act 2021, Section 1. (See end of Document for details)

- (iii) altered otherwise than by or with the permission of the provider of the network or service;
 - (e) anything that occurs in connection with the network or service and compromises the confidentiality of any data stored by electronic means;
 - (f) anything that occurs in connection with the network or service and causes any data stored by electronic means to be—
 - (i) lost;
 - (ii) unintentionally altered; or
 - (iii) altered otherwise than by or with the permission of the person holding the data; or
 - (g) anything that occurs in connection with the network or service and causes a connected security compromise.
- (3) But in this Chapter “security compromise” does not include anything that occurs as a result of conduct that—
- (a) is required or authorised by or under an enactment mentioned in subsection (4);
 - (b) is undertaken for the purpose of providing a person with assistance in giving effect to a warrant or authorisation that has been issued or given under an enactment mentioned in subsection (4);
 - (c) is undertaken for the purpose of providing a person with assistance in exercising any power conferred by or under prison rules; or
 - (d) is undertaken for the purpose of providing assistance to a constable or a member of a service police force (acting in either case in that capacity).
- (4) The enactments are—
- (a) the Investigatory Powers Act 2016;
 - (b) Part 1 of the Crime and Courts Act 2013;
 - (c) the Prisons (Interference with Wireless Telegraphy) Act 2012;
 - (d) the Regulation of Investigatory Powers Act 2000;
 - (e) the Regulation of Investigatory Powers (Scotland) Act 2000;
 - (f) the Intelligence Services Act 1994;
 - (g) any other enactment (whenever passed or made) so far as it—
 - (i) makes provision which is in the interests of national security;
 - (ii) has effect for the purpose of preventing or detecting crime or of preventing disorder; or
 - (iii) makes provision which is in the interests of the economic well-being of the United Kingdom so far as those interests are also relevant to the interests of national security.
- (5) In this section—
- “connected security compromise” means—
- (a) in relation to a public electronic communications network, a security compromise that occurs in relation to another public electronic communications network or a public electronic communications service;
 - (b) in relation to a public electronic communications service, a security compromise that occurs in relation to a public

Changes to legislation: There are currently no known outstanding effects for the Telecommunications (Security) Act 2021, Section 1. (See end of Document for details)

- electronic communications network or another public electronic communications service;
- “crime” and “detecting crime” have the same meanings as in the Investigatory Powers Act 2016;
- “prison rules” means any rules made under—
- (a) section 47 of the Prison Act 1952;
 - (b) section 39 of the Prisons (Scotland) Act 1989; or
 - (c) section 13 of the Prison Act (Northern Ireland) 1953;
- “service police force” means—
- (a) the Royal Navy Police;
 - (b) the Royal Military Police; or
 - (c) the Royal Air Force Police;
- “signal” has the same meaning as in section 32.

105B Duty to take specified security measures

- (1) The Secretary of State may by regulations provide that the provider of a public electronic communications network or a public electronic communications service must take specified measures or measures of a specified description.
 - (2) A measure or description of measure may be specified only if the Secretary of State considers that taking that measure or a measure of that description would be appropriate and proportionate for a purpose mentioned in section 105A(1).
 - (3) In this section “specified” means specified in the regulations.
 - (4) Nothing in this section or regulations under it affects the duty imposed by section 105A.”
- (3) In section 151 (interpretation of Chapter 1 of Part 2) at the appropriate place in subsection (1) insert—
- ““security compromise”, in relation to a public electronic communications network or a public electronic communications service, has the meaning given by section 105A;”.

Commencement Information

- I1** S. 1 in force at Royal Assent for specified purposes, see **s. 28(1)(a)**
- I2** S. 1 in force at 1.10.2022 in so far as not already in force by **S.I. 2022/931, reg. 2(a)**

Changes to legislation:

There are currently no known outstanding effects for the Telecommunications (Security) Act 2021, Section 1.