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STATUTORY INSTRUMENTS

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**2018 No. 506**

**The Network and Information Systems Regulations 2018**

**PART 2**

**The National Framework**

**The NIS national strategy**

2.—(1) A Minister of the Crown must designate and publish a strategy to provide strategic objectives and priorities on the security of network and information systems in the United Kingdom (“the NIS national strategy”).

(2) The strategic objectives and priorities set out in the NIS national strategy must be aimed at achieving and maintaining a high level of security of network and information systems in—

- (a) the sectors specified in column 1 of the table in Schedule 1 (“the relevant sectors”); and
- (b) digital services.

(3) The NIS national strategy may be published in such form and manner as the Minister considers appropriate.

(4) The NIS national strategy may be reviewed by the Minister at any time and, if it is revised following such a review, the Minister must designate and publish a revised NIS national strategy as soon as reasonably practicable following that review.

(5) The NIS national strategy must, in particular, address the following matters—

- (a) the regulatory measures and enforcement framework to secure the objectives and priorities of the strategy;
- (b) the roles and responsibilities of the key persons responsible for implementing the strategy;
- (c) the measures relating to preparedness, response and recovery, including cooperation between public and private sectors;
- (d) education, awareness-raising and training programmes relating to the strategy;
- (e) research and development plans relating to the strategy;
- (f) a risk assessment plan identifying any risks; and
- (g) a list of the persons involved in the implementation of the strategy.

<sup>F1</sup>(6) .....

(7) Before publishing the NIS national strategy <sup>F2</sup>..., the Minister may redact any part of it which relates to national security.

(8) In this regulation “a Minister of the Crown” has the same meaning as in section 8(1) of the Ministers of the Crown Act 1975 <sup>M1</sup>.

**Textual Amendments**

- F1** Reg. 2(6) omitted (20.1.2021) by virtue of [The Network and Information Systems \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/653\)](#), reg. 1(2), **Sch. para. 3(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in reg. 2(7) omitted (20.1.2021) by virtue of [The Network and Information Systems \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/653\)](#), reg. 1(2), **Sch. para. 3(b)**; 2020 c. 1, Sch. 5 para. 1(1)

**Marginal Citations**

- M1** 1975 c. 26.

**Designation of national competent authorities**

3.—(1) The person specified in column 3 of the table in Schedule 1 is designated as the competent authority, for the territorial jurisdiction indicated in that column, and for the subsector specified in column 2 of that table (“the designated competent authorities”).

(2) The Information Commissioner is designated as the competent authority for the United Kingdom for RDSPs.

(3) In relation to the subsector for which it is designated under paragraph (1), the competent authority must—

- (a) review the application of these Regulations;
- (b) prepare and publish guidance;
- (c) keep a list of all the operators of essential services who are designated, or deemed to be designated, under regulation 8<sup>F3</sup> ...;
- (d) keep a list of all the revocations made under regulation 9;
- (e) send a copy of the lists mentioned in sub-paragraphs (c) and (d) to GCHQ, as the SPOC designated under regulation 4, to enable it to prepare the report mentioned in regulation 4(3);
- (f) consult and co-operate with the Information Commissioner when addressing incidents that result in breaches of personal data; and
- (g) in order to fulfil the requirements of these Regulations, consult and co-operate with—
  - (i) relevant law-enforcement authorities;
  - <sup>F4</sup>(ii) . . . . .
  - (iii) other competent authorities in the United Kingdom;
  - (iv) the SPOC that is designated under regulation 4; and
  - (v) the CSIRT that is designated under regulation 5.

[<sup>F5</sup>(3A) In relation to the subsector for which it is designated under paragraph (1), the competent authority may consult and co-operate with a public authority in the EU if it is in the interests of effective regulation of that subsector (whether inside or outside the United Kingdom).]

- (4) In relation to digital services, the Information Commissioner must—
  - (a) review the application of these Regulations;
  - (b) prepare and publish guidance; and
  - (c) consult and co-operate with the persons mentioned in paragraph (3)(g), in order to fulfil the requirements of these Regulations.
- (5) The guidance that is published <sup>F6</sup>... under paragraph (3)(b) or (4)(b) may be—

- (a) published in such form and manner as the competent authority or Information Commissioner considers appropriate; and
  - (b) reviewed at any time, and if it is revised following such a review, the competent authority or Information Commissioner must publish revised guidance as soon as reasonably practicable.
- (6) The competent authorities designated under paragraph (1) and the Information Commissioner must have regard to the national strategy that is published under regulation 2(1) when carrying out their duties under these Regulations.

**Textual Amendments**

**F3** Words in reg. 3(3)(c) omitted (20.1.2021) by virtue of [The Network and Information Systems \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/653\)](#), reg. 1(2), **Sch. para. 4(a)**; 2020 c. 1, Sch. 5 para. 1(1)

**F4** Reg. 3(3)(g)(ii) omitted (20.1.2021) by virtue of [The Network and Information Systems \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/653\)](#), reg. 1(2), **Sch. para. 4(b)**; 2020 c. 1, Sch. 5 para. 1(1)

**F5** Reg. 3(3A) inserted (20.1.2021) by [The Network and Information Systems \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/653\)](#), reg. 1(2), **Sch. para. 4(c)**; 2020 c. 1, Sch. 5 para. 1(1)

**F6** Word in reg. 3(5) omitted (20.6.2018) by virtue of [The Network and Information Systems \(Amendment\) Regulations 2018 \(S.I. 2018/629\)](#), regs. 1, **2(4)**

**Designation of the single point of contact**

4.—(1) GCHQ is designated as the SPOC on the security of network and information systems for the United Kingdom.

[<sup>F7</sup>(2) The SPOC may liaise with the relevant authorities in any Member State of the EU, the Cooperation Group and the CSIRTs network if it considers it appropriate.]

[<sup>F8</sup>(2A) The SPOC must—

- (a) consult and co-operate, as it considers appropriate, with relevant law enforcement authorities;
- (b) co-operate with the NIS enforcement authorities to enable the enforcement authorities to fulfil their obligations under these Regulations.]

(3) The SPOC [<sup>F9</sup>may, if it considers it appropriate to do so] submit reports to—

- (a) the Cooperation Group based on the incident reports it received under regulation 11(9) and 12(15), including the number of notifications and the nature of notified incidents; and
- (b) the Commission identifying the number of operators of essential services for each subsector listed in Schedule 2 <sup>F10</sup>....

<sup>F11</sup>(4) .....

<sup>F11</sup>(5) .....

**Textual Amendments**

**F7** Reg. 4(2) substituted (20.1.2021) by [The Network and Information Systems \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/653\)](#), reg. 1(2), **Sch. para. 5(a)**; 2020 c. 1, Sch. 5 para. 1(1)

**F8** Reg. 4(2A) inserted (20.1.2021) by [The Network and Information Systems \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/653\)](#), reg. 1(2), **Sch. para. 5(b)**; 2020 c. 1, Sch. 5 para. 1(1)

- F9** Words in reg. 4(3) substituted (20.1.2021) by The Network and Information Systems (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/653), reg. 1(2), **Sch. para. 5(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in reg. 4(3)(b) omitted (20.1.2021) by virtue of The Network and Information Systems (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/653), reg. 1(2), **Sch. para. 5(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** Reg. 4(4)(5) omitted (20.1.2021) by virtue of The Network and Information Systems (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/653), reg. 1(2), **Sch. para. 5(d)**; 2020 c. 1, Sch. 5 para. 1(1)

**Designation of computer security incident response team**

5.—(1) GCHQ is designated as the CSIRT for the United Kingdom in respect of the relevant sectors and digital services.

(2) The CSIRT must—

- (a) monitor incidents in the United Kingdom;
- (b) provide early warning, alerts, announcements and dissemination of information to relevant stakeholders about risks and incidents;
- (c) respond to any incident notified to it under regulation 11(5)(b) or regulation 12(8);
- (d) provide dynamic risk and incident analysis and situational awareness;
- <sup>F12</sup>(e) . . . . .
- (f) establish relationships with the private sector to facilitate co-operation with that sector;
- (g) promote the adoption and use of common or standardised practices for—
  - (i) incident and risk handling procedures, and
  - (ii) incident, risk and information classification schemes; and
- (h) co-operate with NIS enforcement authorities to enable the enforcement authorities to fulfil their obligations under these Regulations.

<sup>F13</sup>(3) The CSIRT may co-operate with or participate in international co-operation networks (including the CSIRTs network) if the CSIRT considers it appropriate to do so.]

- Textual Amendments**
- F12** Reg. 5(2)(e) omitted (20.1.2021) by virtue of The Network and Information Systems (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/653), reg. 1(2), **Sch. para. 6(a)**; 2020 c. 1, Sch. 5 para. 1(1)
  - F13** Reg. 5(3) substituted (20.1.2021) by The Network and Information Systems (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/653), reg. 1(2), **Sch. para. 6(b)**; 2020 c. 1, Sch. 5 para. 1(1)

**Information sharing – enforcement authorities**

6.—(1) The NIS enforcement authorities may share information with <sup>F14</sup>each other, relevant law-enforcement authorities,] the CSIRT, <sup>F15</sup>and public authorities in the EU] if that information sharing is—

<sup>F16</sup>(a) necessary for—

- (i) the purposes of these Regulations or of facilitating the performance of any functions of a NIS enforcement authority under or by virtue of these Regulations or any other enactment;

- (ii) national security purposes; or
  - (iii) purposes related to the prevention or detection of crime, the investigation of an offence or the conduct of a prosecution;]
- (b) limited to information which is relevant and proportionate to the purpose of the information sharing.

[<sup>F17</sup>(1A) Information shared under paragraph (1) may not be further shared by the person with whom it is shared under that paragraph for any purpose other than a purpose mentioned in that paragraph unless otherwise agreed by the NIS enforcement authority.]

(2) When sharing information with [<sup>F18</sup>a public authority in the EU] under paragraph (1), the NIS enforcement authorities are not required to share—

- (a) confidential information, or
- (b) information which may prejudice the security or commercial interests of operators of essential services or digital service providers.

#### Textual Amendments

- F14** Words in reg. 6(1) inserted (31.12.2020) by [The Network and Information Systems \(Amendment and Transitional Provision etc.\) Regulations 2020 \(S.I. 2020/1245\)](#), regs. 1(1), **4(a)(i)** (with reg. 21)
- F15** Words in reg. 6(1) substituted (20.1.2021) by [The Network and Information Systems \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/653\)](#), reg. 1(2), **Sch. para. 7(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Reg. 6(1)(a) substituted (31.12.2020) by [The Network and Information Systems \(Amendment and Transitional Provision etc.\) Regulations 2020 \(S.I. 2020/1245\)](#), regs. 1(1), **4(a)(ii)** (with reg. 21)
- F17** Reg. 6(1A) inserted (31.12.2020) by [The Network and Information Systems \(Amendment and Transitional Provision etc.\) Regulations 2020 \(S.I. 2020/1245\)](#), regs. 1(1), **4(b)** (with reg. 21)
- F18** Words in reg. 6(2) substituted (20.1.2021) by [The Network and Information Systems \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/653\)](#), reg. 1(2), **Sch. para. 7(b)**; 2020 c. 1, Sch. 5 para. 1(1)

#### Information sharing – Northern Ireland

7.—(1) In order to facilitate the exercise of the Northern Ireland competent authority's functions under these Regulations—

- (a) a Northern Ireland Department may share information with the Northern Ireland competent authority; and
  - (b) the Northern Ireland competent authority may share information with a Northern Ireland Department.
- (2) In this regulation—
- (a) “the Northern Ireland competent authority” means the competent authority that is specified for Northern Ireland in column 3 of the table in Schedule 1 in relation to the subsectors specified in column 2 of that table; and
  - (b) “a Northern Ireland Department” means a department mentioned in Schedule 1 to the Departments Act (Northern Ireland) 2016 <sup>M2</sup>.

#### Marginal Citations

- M2** 2016 c. 5.

**Changes to legislation:**

There are currently no known outstanding effects for the The Network and Information Systems Regulations 2018, PART 2.