

## SCHEDULE 9

Regulation 2

### Data infrastructure

#### Interpretation

1. In this Schedule—

“administrative access” refers to either or both authorisation or access granted via either or both logical or administrative access controls by virtue of which an entity may access relevant data infrastructure or control access to relevant data infrastructure where such access would otherwise be restricted or compartmented and where such access would permit the modification of the relevant data infrastructure in a way that was not authorised;

“electronic communications network” has the meaning given in section 32(1) of the Communications Act 2003<sup>(1)</sup>;

“public electronic communications network” has the meaning given in section 151(1) of the Communications Act 2003;

“public electronic communications service” has the meaning given in section 151(1) of the Communications Act 2003;

“public sector authority” means an authority listed in paragraph 2;

“relevant activity” means storing, processing or transmitting data in digital form which are used in connection with the administration and operation of a public sector authority;

“relevant data infrastructure” is physical or virtualised infrastructure, which—

- (a) is used for a relevant activity and the qualifying entity—
  - (i) has a contract with a public sector authority to provide the relevant activity; or
  - (ii) is a sub-contractor who has been notified that it is in a chain of sub-contractors which begins with the contractor that has a contract with the public sector authority for the purpose of providing the relevant activity, where the sub-contractor is providing a relevant activity that would fulfil or contribute towards the fulfilment of the main contract;
- (b) is provided for peering, interconnection or exchange of digital data between providers of public electronic communications networks and/or providers of public electronic communications services but which is not owned by a provider of public electronic communications networks or a provider of a public electronic communications service; or
- (c) enables the interconnection of one or more public electronic communications networks with an electronic communications network where part of that network is provided by means of a submarine cable system;

“specialist or technical services” means either or both—

- (a) equipment installation services;
- (b) equipment repair and maintenance services;

“submarine cable system” means a system of fibre optic cables which—

- (i) are beneath the sea (whether on or in the seabed or in a tunnel); and
- (ii) are intended for the conveyance of signals.

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(1) 2003 c. 21. Section 32 was amended by S.I. 2011/1210, regulation 1(2), Schedule 1 paragraph 9(a)(i) and Schedule 3 paragraph 2, and S.I. 2020/1419, regulation 1(2), Schedule 1, paragraph 6.

**Status:** This is the original version (as it was originally made).

## **Interpretation – public sector authority**

2. The authorities referred to in the definition of a “public sector authority” in paragraph 1 are set out in the following Table.

**Table**

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*Public sector authority*

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Prime Minister’s Office

Attorney General’s Office

Crown Prosecution Service

Government Legal Department

Serious Fraud Office

Cabinet Office

Crown Commercial Service

Government Property Agency

The Electoral Commission

UK Statistics Authority

Department for Business, Energy and Industrial Strategy

Competition and Markets Authority

HM Land Registry

Intellectual Property Office

Meteorological Office

Nuclear Decommissioning Authority

Office of Gas and Electricity Markets (Ofgem)

United Kingdom Space Agency

Department for Digital, Culture, Media and Sport

Information Commissioner

The National Archives

Office of Communications (Ofcom)

Department for Education

Education and Skills Funding Agency

Office of Qualifications and Examinations Regulation (Ofqual)

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*Public sector authority*

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Office for Standards in Education, Children's Services and Skills (Ofsted)

Teaching Regulation Agency

Department for Environment, Food and Rural Affairs

Water Services Regulation Authority (Ofwat)

Department for International Trade

UK Export Finance (also known as the Exports Credit Guarantee Department)

Department for Transport

Civil Aviation Authority

Driver and Vehicle Licensing Agency

Maritime and Coastguard Agency

Office of Rail and Road

Department for Work and Pensions

Health and Safety Executive

Office for Nuclear Regulation

Department of Health and Social Care

Health and Social Care Information Centre

Joint Committee on Vaccination and Immunisation

Medicines and Healthcare products Regulatory Agency

Public Health England

UK Health Security Agency

Foreign, Commonwealth and Development Office

Wilton Park

GCHQ

HM Treasury

Bank of England

Financial Conduct Authority

**Status:** This is the original version (as it was originally made).

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*Public sector authority*

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Government Actuary's Department

Government Internal Audit Agency

HM Revenues and Customs

National Audit Office

National Infrastructure Commission

National Savings and Investments

Office for Budget Responsibility

UK Debt Management Office

Valuation Office Agency

Home Office

National Crime Agency

Investigatory Powers Commissioner's Office

Ministry of Defence

Defence Electronics and Components Agency

Defence Equipment and Support

Defence Science and Technology Laboratory

Submarine Delivery Agency

United Kingdom Hydrographic Office

Ministry of Housing, Communities and Local Government

Queen Elizabeth II Centre

Ministry of Justice

Criminal Injuries Compensation Authority

HM Courts and Tribunals Service

HM Prison and Probation Service

Legal Aid Agency

Office of the Public Guardian

Supreme Court of the United Kingdom

Northern Ireland Office

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*Public sector authority*

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Office of the Advocate General for Scotland

Office of the Leader of the House of Commons

Office of the Leader of the House of Lords

Office of the Secretary of State for Scotland

Office of the Secretary of State for Wales

Secret Intelligence Service

Security Service

Northern Ireland Executive

The Executive Office

Department of Agriculture, Environment and Rural Affairs

Department for Communities

Department for the Economy

Department of Education

Department of Finance

Department of Health

Department for Infrastructure

Department of Justice

Invest Northern Ireland

The Scottish Government

Crown Office and Procurator Fiscal Service

Disclosure Scotland

**Education Scotland**

Office of the Accountant in Bankruptcy

Registers of Scotland

Revenue Scotland

Scottish Courts and Tribunals Service

*Status: This is the original version (as it was originally made).*

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*Public sector authority*

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Scottish Fiscal Commission  
Scottish National Investment Bank  
Scottish Public Pensions Agency  
Social Security Scotland  
Student Awards Agency for Scotland  
The Scottish Ministers  
Transport Scotland

The Welsh Government  
Permanent Secretary's Group  
Office of the First Minister Group  
The Health and Social Services Group  
The Economy, Skills and Natural Resources Group  
The Education and Public Services Group

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**Activity – data infrastructure**

3. A qualifying entity carrying on any of the activities set out in paragraph 4.
4. The activities referred to in paragraph 3 are—
  - (a) owning or operating relevant data infrastructure;
  - (b) managing relevant data infrastructure on behalf of other entities;
  - (c) managing facilities where relevant data infrastructure is located;
  - (d) providing specialist or technical services to entities carrying on activities described in sub-paragraphs (a), (b) or (c), which give the entity providing those specialist or technical services physical access to relevant data infrastructure;
  - (e) providing services where the provision of such services gives the entity providing those services administrative access to relevant data infrastructure;
  - (f) producing or developing software designed for use in the services in sub-paragraph (e) which configures or manages the provision of administrative access.