

Citizens Advice Scotland: Proposed changes to Ofcom's NIS Guidance focusing on Incident Reporting Thresholds for the digital infrastructure subsector

Consultation on revising Ofcom's Network and Information Services (NIS) Guidance

Scotland's Citizens Advice Network provides an essential community service that empowers people in every corner of Scotland by providing free, confidential, and impartial advice through our local Bureaux and national services. We use evidence about people's real-life experiences to influence policy and drive positive change. We are on the side of people in Scotland who need help, and we change lives for the better.

Background

At Citizen's Advice Scotland (CAS), we understand that telecommunications services are increasingly an essential utility for people in Scotland. As the COVID-19 pandemic particularly highlighted, access to a decent internet connection¹ is now vital for many day-to-day activities including work, learning, staying informed and accessing essential public services.

However, we understand that many consumers face significant barriers to accessing these connections: including a lack of digital skills and confidence; affordability of devices and internet data; and in Scotland, our unique geography and infrastructure needs can impact on many consumers' access to reliable connectivity, whether that be fixed broadband or mobile – causing particular difficulties for rural and island communities.

We welcome this consultation on proposed changes to Ofcom's NIS Guidance focusing on Incident Reporting Thresholds for the digital infrastructure subsector, as an opportunity to outline CAS's views on how these thresholds might better support intelligence gathering and responses to connectivity problems faced in Scotland's rural and island communities.

Question 1: Do you agree or disagree with our proposed new incident reporting thresholds?

CAS welcomes Ofcom's proposals to lower the incident reporting thresholds under the Network and Information systems guidance. We believe this increased visibility of incidents impacting consumers should help support and inform swift responses and increased resilience across our telecommunications networks.

We would urge that, in reviewing the thresholds by which an incident is deemed to have 'significant impact' careful consideration should be given to the particular vulnerabilities facing Scotland's rural and island communities. Under each of the three measures – number of users, duration, and geographical area – an entire island community, or group of islands within Scotland, could potentially lose connectivity without this being deemed a significant incident.

¹ Defined by Ofcom as a download speed of 10 Mbit/s and an upload speed of 1 Mbit/s,

For example, if an incident were to occur on the Isle of Skye leaving members of the community without an essential service from Internet Exchange Point (IXP) or Domain Name Service (DNS) providers; this may not be reported under the proposed changes on incident reporting thresholds as it could be deemed both a smaller number of users and a smaller geographical area than mainland urban areas. However, the impact of an outage on a small rural / island community could be proportionately much greater, as was seen in October 2022 when the whole of the Shetland Isles were left without phone or internet connectivity, disrupting the economy, education, health and care services, and leaving individuals extremely vulnerable. While this particular incident was related to a damaged sub-sea cable, the impacts of the outage are illustrative of the extra vulnerability of rural and island communities. Further examples have been shared with CAS from members of the Scottish Citizens Advice Network, highlighting that significant service outages have occurred on remote island communities where internet connectivity is primarily supplied via mobile internet services. CAS understands that island communities in Barra have experienced significant outages of mobile services for extended periods of time.

With an increase in vital public services being delivered online remote and rural communities become even more vulnerable to detriment in the event of telecommunications outages. Remote locations and severe weather can also add to delays in any infrastructure repairs, further exacerbating the impact of these outages.

CAS is concerned that, despite the significant social, economic, health and safety impacts of telecommunications outages in such communities, these incidents may not be reportable under the current or proposed incident reporting thresholds. We urge Ofcom to therefore consider how the incident reporting thresholds can be amended to reflect the severe impact of outages in vulnerable rural and island communities.

For example, rather than grouping island communities by geographical area or population levels, Ofcom could consider requiring IXP services to consider each island or vulnerable rural community individually; perhaps by creating a special category of 'vulnerable community' within the reporting framework. This could allow for more accurate reporting of incidents within these communities, to build up a picture of any recurrent outages and resilience gaps in rural and island communities. This in turn can inform Ofcom and service providers' efforts and aspirations to respond efficiently to outages, prevent detriment by better reflecting the severity of impact, and potentially improve services.