

[REDACTED]

5th January 2023

[REDACTED]

**RE: Consultation on proposed changes to Ofcom's guidance on NIS reporting thresholds for the digital infrastructure sector**

Thank you for the opportunity to reply to the above consultation.

Our comments relate solely to the proposals as they relate to the IXP subsector.

**Change in thresholds**

I am pleased to confirm that LINX is content to support a change in the reporting threshold for NIS incidents for IXPs from

"Loss or significant degradation of connectivity to  $\geq$  25% of connected Autonomous System Number (ASN); or

Loss of  $\geq$  90% of total port capacity

For a period of  $\geq$  1 hour"

To

"Loss or significant degradation of connectivity to  $\geq$  25% of connected Autonomous System Number (ASN); or

Loss of  $\geq$  90% of total port capacity

For a period of  $\geq$  15 minutes".

...cont.

**Withdrawn table 7, paragraphs 3.34 to 3.36 and Annex A4 paragraph A4.7**

We welcome Ofcom's decision to publish a correction note withdrawing these sections as inaccurate.

In particular, we note that Ofcom's original assessment of "potential impact in a worst-case scenario" was merely an estimate of the number of users with Internet access in London. We do not believe that such a figure, even if calculated accurately, bears any necessary relation to the number of users actually impacted by any given incident. It does not even provide any particular insight into the number of users who *might* have been impacted by a future incident of such nature.

Further, although these paragraphs have been withdrawn, the correction note made two statements concerning geography that we also consider unreliable.

Firstly, the correction note stated in regard to line B "Geography: The incident was based on a site being in London and it was therefore an error to reflect it as "Primarily London but UK wide impact to downstream dependencies". Secondly, regarding lines C and D, which had ascribed to the box labelled "geography" the value "London" the correction note stated "The rest of the information was correct at the time of publishing", indicating that Ofcom still considers the relevant geography to be London.

Our LON1 IXP serves network operators with a global reach. Although it is difficult to be precise about the territories served, based on our billing data we believe we have networks from over 80 countries. These global operators will be interconnecting with UK national access networks and content providers, as well as each other. We therefore do not believe it is accurate to say that our LON1 IXP serves or has a potential impact limited to London, or even that any impact would be especially elevated in London, compared with the rest of country.

In short, our LON1 IXP serves a global market. This does not, of course, mean that a failure of LON1 would impact end users all round the world: LON1 is not *exclusively* relied upon by global operators for interconnection, but forms just one element of their interconnection strategy. This distinction between the range of areas served and the range of area where users actually experience an impact also carries over into the national market: UK operators don't rely on LON1 exclusively for their interconnection either, and accordingly a failure in LON1 might have very limited or even no impact on end users in the UK.

...cont.

### **General comments on any comments Ofcom may make on “end user impact”**

We recognise that it is extremely difficult for Ofcom to assess the impact – or potential impact – of a failure of LON1 on end users in the UK. The extent and success of operators' interconnection strategies are hard to uncover (and only known to each of them individually, not to us, and so only discoverable by Ofcom by contacting them, not us). This is then compounded by the fact that it is very hard to assess how resilient the aggregate Internet communications infrastructure in the UK would be in the event of a failure in LON1 occurring at the same time as complex, compound failures in UK networks, or multiple independent simultaneous failures.

Frankly, that this is generally so poorly understood is a matter of concern, and we would welcome Ofcom conducting detailed research in this matter, provided that such research was done with appropriate expertise and detailed access to network operator information.

Absent greater understanding of these complex interactions, we do agree that a precautionary approach justifies a certain level of regulatory oversight, including a careful watch on material incidents as they occur and close attention to any observable effects.

As a relatively small company with limited resources that is experiencing a substantial burden in meeting the legal and other expectations of our stakeholders (including CAF, potential impact of TSRs and our responsibility to meet our members' expectations), we also remain mindful that applying those limited resources towards demonstrating compliance externally reduces what is available for primary security measures. We therefore take every opportunity to remind Ofcom of the need for not just proportionality, but also awareness of the possibility of counter-productive levels of oversight.

Nonetheless, I am happy to see we can readily accommodate the changes in the current proposal, and we are therefore pleased to support them.

Yours sincerely,

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