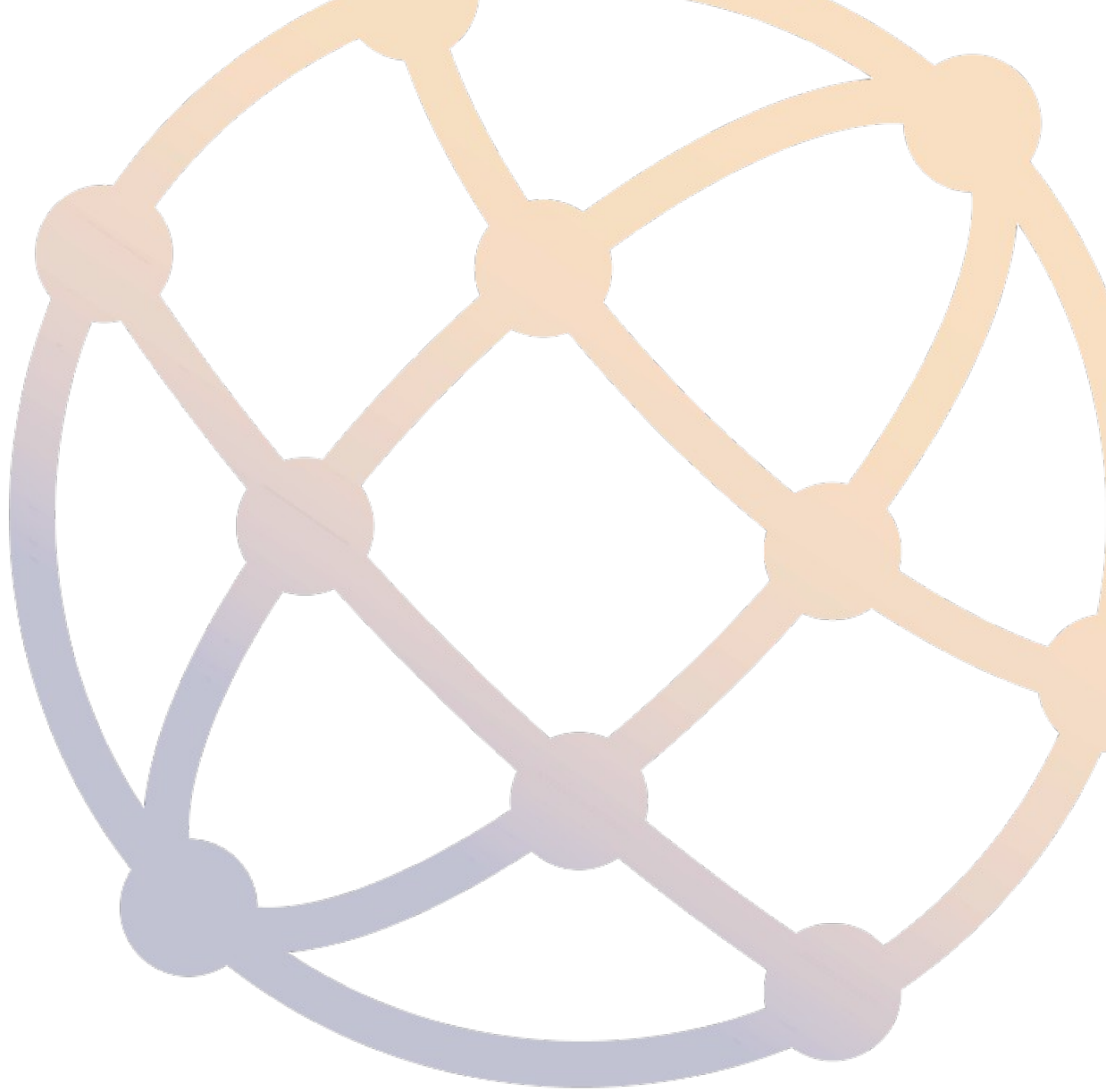




Response to Ofcom consultation on Ofcom's draft general statement of policy under section 105Y of the Communications Act 2003.

August 2026



Table of Contents

1	Executive summary.....	1
2	About INCA and our members.....	2
3	Introduction and overall position.....	3
4	Incident reporting: towards a consistent, proportionate cross-industry standard.....	4
5	Proportionality in the exercise of the assessment-notice power.....	7
6	The supply-chain cascade.....	10
7	INCA's recommendations.....	11
8	Authorities relied on.....	13

1 Executive summary

- 1 INCA is pleased to respond to Ofcom's consultation on its draft revised general statement of policy under section 105Y of the Communications Act 2003 (the "2003 Act"). INCA supports the objectives of the telecoms security regime and the goal of effective, consistent incident reporting. INCA wishes to help Ofcom achieve higher-quality, more consistent reporting and a proportionate supervisory regime that keeps Ofcom's focus on the areas of greatest risk.

1.1 A call for a common baseline for incident reporting

- 2 Although many of the proposed threshold changes relate specifically to mobile operators and therefore fall outside INCA's direct remit, INCA welcomes Ofcom's broader objective of improving consistency in security incident reporting across the communications sector.
- 3 INCA considers that the regime does not yet have a consistent, well-developed approach to incident reporting and information-sharing across shared-infrastructure and wholesale relationships. INCA offers to contribute a proposed common baseline for incident reporting across operators, drawing on the TSA framework, HSCN and other frameworks, and asks Ofcom to work with industry toward a consistent cross-industry standard.
- 4 INCA also encourages Ofcom, where possible, to align terminology and reporting expectations with the forthcoming Cyber Security and Resilience legislation. While recognising the different statutory purposes, unnecessary divergence between reporting frameworks risks increasing compliance burden without improving regulatory visibility.

1.2 Ofcom's enforcement activity must remain proportionate

- 5 The draft repositions the assessment-notice power (ss.105N–105Q of the 2003 Act) from an escalation tool toward "a more standard element of our supervisory approach" (consultation para 3.13; draft statement para 3.37), and extends supervision downward to Tier 3 providers who deliver a "key

service" (draft statement para 3.12) (or even indirectly as part of a wider supply chain of regulated providers).

- 6 INCA does not dispute that the assessment power is discretionary. INCA's concern is with the proportionality of its *exercise*: routine use of a costly, audit-style power against smaller and lower-risk providers, and the cascade of that power indirectly onto wholesale suppliers who are not themselves the subject of Ofcom's supervision.
- 7 INCA does not seek to weaken any security duty. The overarching duties in ss.105A and 105C of the 2003 Act continue to bind all providers, including Tier 3. INCA targets only the disproportionate or routine exercise of an intensive supervisory power against lower-risk providers. A proportionate, risk-based approach also serves security: it keeps Ofcom's finite resources directed at the highest-risk providers rather than diluted.
- 8 INCA's specific asks are set out at Section 7. In summary, INCA asks Ofcom to build explicit proportionality safeguards for the application of its information gathering and assessment-notice powers into the Statement to:
 - a. reserve routine, non-escalation assessment notices for providers, services or circumstances presenting higher regulatory or systemic risk;
 - b. specify the criteria it would use to determine whether a Tier 3 provider requires supervision;
 - c. commit to cost-proportionality for smaller providers;
 - d. have regard to the burden placed on wholesale suppliers when an assessment reaches a larger provider's supply chain;
 - e. clarify who reports when infrastructure is shared; and
 - f. if minded not to adopt these, to give reasons addressing how a routine assessment regime applied (directly or indirectly) to lower-risk Tier 3 providers is proportionate and targeted.

2 About INCA and our members

- 9 INCA is the trade association for the UK's independent network operators - the altnets building and operating full-fibre and other next-generation

networks in competition with the incumbent. INCA's mandate is to promote sustainable network competition and a level playing field, so that investors in new full-fibre networks have the same opportunity to achieve a return on their investment as Openreach does.

- 10 INCA's membership is overwhelmingly composed of smaller providers. Most INCA members are Tier 3 providers (relevant turnover below £50m) under the tiering system in the Telecommunications Security Code of Practice (the "Code", para 0.12), with a small number being micro-entities within the meaning of regulation 16 of the Electronic Communications (Security Measures) Regulations 2022 (the "Regulations"). Under the Code, Tier 3 providers are not expected to follow the measures set out in the Code (Code paras 0.13–0.14), although (as INCA readily acknowledges) they remain bound by the overarching, appropriate-and-proportionate duties in ss.105A and 105C of the 2003 Act and (save for micro-entities) by the Regulations.
- 11 This membership profile shapes INCA's response. INCA's members are rarely the direct subject of Ofcom's most intensive powers. They are, however, frequently the wholesale suppliers, shared-infrastructure partners and managed-service providers on whom larger providers depend. So they are exposed to the *consequences* of how Ofcom exercises those powers with others.

3 Introduction and overall position

- 12 Section 105Y(1) of the 2003 Act requires Ofcom to publish a statement of its general policy with respect to the exercise of its functions under ss.105I and 105M to 105V - that is, its monitoring and enforcement functions. Section 105Y(4) provides that, in exercising those functions, "OFCOM must have regard to the statement". The Statement is the instrument through which Ofcom enacts its own enforcement discretion. INCA's asks in this response are directed at that instrument.
- 13 INCA's overall position is one of qualified support. INCA supports the security objectives of the regime, supports the drive toward effective and consistent incident reporting, and welcomes several of the proposed changes. In

particular, INCA supports the replacement of the inconsistent MNO-specific reporting arrangements with universal criteria (consultation para 3.25).

- 14 INCA's one substantive concern is that the draft shifts the assessment-notice power from an escalation tool toward routine use, without the Statement building in the proportionality that the underlying legislation requires and that the Code's own tiering assumes. INCA sets out that concern in Section 5, with a view to ensuring any changes to Ofcom's statement of policy are in line with the proportionality obligations that already bind Ofcom.
- 15 The draft provides greater clarity on how Ofcom intends to supervise Tier 3 providers and increases the routine use of assessment notices. INCA considers that the revised supervisory approach should contain clearer safeguards to ensure that their exercise remains proportionate.
- 16 For many INCA members the practical concern is cumulative supervisory burden rather than any individual assessment notice. A wholesale provider may support numerous retail communications providers, each of which may be subject to different regulatory engagement. Although each individual assessment notice may be proportionate, the aggregate effect across multiple customers and engagements can create a continual compliance burden that is not reflected when each notice is considered in isolation. INCA therefore encourages Ofcom to consider cumulative burden when determining whether an assessment notice is proportionate.
- 17 This response addresses Questions 1 and 3 in detail. INCA also provides targeted comments on Questions 2 and 4 where Ofcom's proposals affect fixed and wholesale providers, including smaller Tier 3 providers. INCA does not respond to Question 5, which Ofcom expressly addresses to MNOs and which concerns the provision of RAN cell lists.

4 Incident reporting: towards a consistent, proportionate cross-industry standard

- 18 *This section responds to Question 3 (proposed changes to security incident reporting thresholds and criteria, consultation paras 3.19–3.48).*

- 19 *As noted above, the majority of the proposed threshold changes are directed at mobile operators. INCA's comments in this section are therefore confined to the aspects of the proposals that bear on fixed and wholesale providers, and to the wider consistency objective Ofcom is pursuing.*
- 20 INCA wishes to build on that gain. In INCA's view, the regime does not yet have a consistent, well-developed approach to incident reporting, the notification and coordination of planned works and, more importantly, information-sharing across shared-infrastructure and wholesale relationships, in which many of INCA's members operate. Where infrastructure is shared or a service is wholesaled, questions of who detects an incident, who holds the relevant data, who reports it, who must notify affected parties of planned works, what information and notice must be provided and how information is shared between the parties are not yet answered consistently across the industry.
- 21 In practice, providers frequently face uncertainty regarding:
- a. which party should report an incident where multiple providers are involved?
 - b. what information should be exchanged between wholesale providers and their customers?
 - c. what constitutes sufficient evidence to support a report?
 - d. when a mitigated cyber compromise, including pre-positioning activity, becomes reportable?
 - e. how duplicate reporting should be avoided while ensuring Ofcom receives sufficient information?
 - f. how providers should distinguish between security incidents and wider resilience incidents where the reporting framework applies equally to both?
- 22 These issues are not unique to INCA members and would benefit from an agreed sector-wide reporting baseline.
- 23 INCA supports Ofcom's objective of improving reporting of pre-positioning activity. However, providers currently lack a common understanding of what constitutes reportable pre-positioning where malicious activity has been detected and successfully contained before operational impact occurs. INCA encourages Ofcom to supplement the guidance with worked examples or decision criteria to promote consistent reporting across the sector.

24 INCA is willing to contribute a considered view of what good, consistent incident reporting looks like across telcos, drawing on the TSA framework, the Health and Social Care Network (HSCN) arrangements and other established frameworks, and to compare them so that the regime can converge on a coherent standard rather than a patchwork. INCA asks Ofcom to work with industry (with INCA's active participation) toward a consistent cross-industry incident-reporting and information-sharing standard. INCA's Special Interest Groups (SIGs) are already bringing together providers to develop common approaches to operational and security incident management and reporting. INCA would welcome the opportunity to share this work with Ofcom and help develop practical guidance that improves consistency while reducing unnecessary reporting burden.

4.1 Specific comments on the reporting thresholds and reporting duties

25 **The lowered "critical" threshold.** Ofcom proposes to reduce the threshold for a "critical" incident from 3,000,000 user-hours lost to 1,500,000 user-hours lost (consultation para 3.48; draft statement Table 5). Ofcom explains this by reference to the subscriber bases of Tier 2 MVNOs, which range from 1.5 to 5 million (consultation para 3.48). INCA does not object to recalibrating the "critical" threshold so that it better captures significant mobile incidents. The user-hours criterion in Table 5 is not, however, expressed as mobile-specific, and paragraph 5.28 applies it to services to end users generally. INCA therefore asks Ofcom to state expressly in the final Statement that the reduction from 3 million to 1.5 million user-hours applies only to incidents affecting mobile services and does not bring smaller fixed providers within the "critical" three-hour notification and 72-hour reporting requirements. If Ofcom intends the reduced threshold to apply to fixed services as well, it should explain and assess that cross-sector effect rather than relying solely on evidence concerning Tier 2 MVNO subscriber bases.

26 **Reporting and notification where infrastructure is shared or wholesaled.** The draft adds the statement that, where a provider relies on a third party, that provider "cannot rely on their third party to report on their behalf" and must itself collect and include the relevant information (draft Statement para

5.21). Ofcom fairly acknowledges in the same paragraph that this “could result in duplicate reporting”. In shared-infrastructure and wholesale settings, precisely those in which many INCA members operate, this risks either duplicative reporting of the same underlying incident or, worse, gaps where each party assumes that the other has reported.

- 27 Although the notification of planned works is distinct from incident reporting under para 5.21, the same underlying allocation problem arises. Unless responsibilities are clear, notice of planned works may be duplicated, delayed or omitted, or may not pass through the wholesale chain in sufficient time and detail for downstream providers to manage operational risks and communicate with affected customers.
- 28 INCA supports the underlying objective that significant incidents are captured. It asks Ofcom to clarify, for shared and wholesale infrastructure, both who is expected to report an incident and who is responsible for notifying and coordinating planned works, including the minimum information and notice that should be provided. This issue is integral to the cross-industry reporting, planned-works notification and information-sharing standard proposed above and should be addressed as part of that work.
- 29 Ofcom proposes that: “to add the clarification that incidents that have a significant effect on the operation of the network or service remain reportable by virtue of the duty under section 105K, even if they do not meet Ofcom’s criteria or thresholds. This is to make clear that providers must always make reports if they assess that the security compromise is significant.” (consultation para 3.41). INCA would welcome greater clarity on how Ofcom would expect providers to make a judgement to report in these circumstances in the Statement. Examples of the circumstances when Ofcom anticipates providers may need to report even if the security compromise does not meet Ofcom’s criteria and thresholds would be instructive. It could also be an area to develop further as part of the development of a cross-industry standard.
- 30 Reporting templates. INCA supports the use of standardised reporting templates as a means of improving consistency, and offers two comments. First, INCA asks that the templates accommodate shared-infrastructure and wholesale reporting, by allowing a reporting provider to identify the

underlying network or service provider affected and to cross-reference a related report of the same underlying incident. That would allow Ofcom to link duplicate reports rather than receive them as unconnected events, and directly addresses the duplication risk Ofcom acknowledges at draft statement para 5.21. Second, INCA asks that the level of detail expected is proportionate to the size of the reporting provider, so that smaller providers are not expected to supply information they do not hold or cannot obtain from a wholesale supplier.

- 31 Resolving these allocation questions is, in INCA's view, the single change most likely to improve the consistency and quality of reporting across the sector.

5 Proportionality in the exercise of the assessment-notice power

This section responds to Question 1 (proposed updates to guidance on compliance monitoring, consultation paras 3.5–3.15), and in particular the changes to the assessment-notice guidance at consultation paras 3.13–3.14 and draft statement para 3.37, and the Tier 3 supervision change at draft statement para 3.12.

5.1 What the draft changes

- 32 The current 2022 Statement of Policy positions the assessment-notice power as an escalation tool. It states that, during the early years of the framework, Ofcom is "not planning routinely to use assessment notices" (current statement para 3.44). It recognises that complying with an assessment notice "may require more substantial effort or additional costs for providers than responding to our s135 information notices", and that the decision to issue one "is therefore likely to indicate an escalation in our concerns around compliance that has not been resolved through routine engagement" (current statement para 3.45).
- 33 The draft revised Statement removes that escalation framing. It now provides that the use of an assessment notice "would not necessarily indicate an escalation in our compliance concerns, but may offer a more proportionate

way of ascertaining the information we need than reliance on section 135 information notices in some cases" (draft statement para 3.37). The consultation describes this as including assessment notices "as a more standard element of our supervisory approach" (consultation para 3.13), and suggests that in some cases they "may be less burdensome for communications providers compared to information notices" (consultation para 3.14) - a reversal of the current statement's position that they are more burdensome (current statement para 3.45).

- 34 Separately, the draft makes it more explicit that Ofcom may directly supervise certain Tier 3 providers where their services are considered particularly significant. It provides that "where we identify a Tier 3 provider as delivering a key service, or one of increasing significance, we may also supervise such services if we identify the specific services provided as being of particular significance" (draft statement para 3.12). This represents a significant change in Ofcom's proposed supervisory approach to Tier 3 providers. While the Code does not generally expect Tier 3 providers to implement its measures (Code paras 0.13-0.14), the draft Statement makes clear that providers delivering services considered to be of particular significance may nevertheless become subject to direct supervision using the measures in the Code of Practice.

INCA's position: the power is discretionary; its exercise must be proportionate

- 35 INCA does not argue that the assessment power was never intended for use of this kind, nor that a routine assessment would be outside Ofcom's powers. On the face of the statute, s.105N is an at-will power: it permits Ofcom to carry out "an assessment of whether the provider ... is complying" with the security duties, and it is not conditioned on any prior trigger. That stands in deliberate contrast to other powers in the same Part, which Parliament did condition - s.105I requires "reasonable grounds for suspecting" a code failure, and the interim-steps power in ss.105U–105V is available only where there is an imminent (or likely) risk and it is reasonable to require the steps. INCA accepts that Parliament did not attach an equivalent trigger to s.105N. The power is discretionary.
- 36 INCA's argument is directed not at the existence of the power but at the proportionality of its *exercise*. When determining whether an assessment

notice is proportionate, Ofcom should have regard not only to the burden imposed by the individual notice, but also to the cumulative supervisory burden placed upon providers over time, particularly wholesale providers supporting multiple regulated communications providers. That proportionality is not an optional policy preference; it is required by the framework in which Ofcom operates:

- a. **Ofcom's general duty of proportionate, targeted regulation.** Section 3 of the 2003 Act requires Ofcom, in carrying out its functions, to have regard to the principles that regulatory activities should be "transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed" - a formulation Ofcom itself adopts in describing its s.3 duties in this very consultation (consultation para 2.10). A supervisory approach that applies an intensive audit power routinely, rather than to cases in which action is needed, is in tension with that principle.
- b. **The power is expressly capable of being made less onerous.** The assessment-notice regime contains its own proportionality valve: an assessment notice may be varied to make it less onerous. That mechanism exists precisely so that the burden of a notice can be matched to the case; it should be used, and the Statement should say so.
- c. **Cost falls on the provider, and only "reasonably incurred" cost.** Under s.105N, a provider assessed must "pay the costs reasonably incurred by OFCOM" in connection with the assessment (reflected at current statement para 3.39 and draft statement para 3.33). The word "reasonably" is itself a proportionality limiter. Routine, recurring use of the power against a smaller provider exposes that provider to repeated, uncapped cost - and the cost is borne whether or not there was any cause for concern. Ofcom itself notes that responding to information demands "necessitates considerable resource" (consultation para 3.14); an audit-style assessment is not obviously lighter for a small provider with few staff.
- d. **The underlying duties are calibrated to proportionality.** The duties being assessed are themselves only to take measures that are "appropriate and proportionate" (ss.105A(1), 105C). An intensive audit tests a duty that is, by design, calibrated to the size and risk of the provider. The intensity of the assessment should track the calibration of the duty.
- e. **The Code's own tiering.** The Code expects the smaller (Tier 3) providers not to follow its measures (Code paras 0.13–0.14). It would be incongruous for the same regime to

subject those providers to routine audit of measures they are not expected to have implemented in the Code's own terms.

- 37 INCA asks that the Statement itself commit Ofcom to a risk- and cause-based, cost-proportionate use of the assessment power - so that the proportionality the legislation already requires is visible on the face of the guidance Ofcom must follow. Specifically, in relation to Tier 3, Ofcom should provide greater regulatory transparency by setting out the criteria it would use to determine if a Tier 3 operator required supervision due to “delivering a key service, or one of increasing significance” (draft statement para 3.12). It should also specify what form supervision of Tier 3 operators may take in line with INCA’s comments on proportionality.
- 38 Testing. INCA supports Ofcom's objective of satisfying itself that providers' security measures are effective in practice rather than only on paper. INCA asks that testing expectations track the Code's tiering: Tier 3 providers are not expected to follow the Code's measures (Code paras 0.13–0.14), and testing expectations should not reintroduce those measures indirectly. INCA also asks Ofcom to confirm that, where a wholesale provider supports multiple retail communications providers, it will not expect the same underlying infrastructure to be tested separately for each of those customers, and to indicate what it would regard as testing at appropriate intervals for a smaller provider.

6 The supply-chain cascade

- 39 INCA's members are rarely served a request for information directly in relation to TSA compliance. Their exposure arises indirectly, through the supply chain, rather than through any notice served on them. An assessment of a larger provider will frequently reach into that provider's supply chain (i.e. its wholesale suppliers, its managed-service providers and the altnets whose infrastructure it uses). When it does, those subordinate providers are expected to respond: often to obligations they do not own, and typically under wholesale or managed-service contract obligations that require them to assist. The burden is triggered not by any concern about the smaller

provider's own systemic risk, but by an assessment of another provider, and under the draft's approach that could recur regularly and predictably.

- 40 Under the current Statement, the escalation framing mitigates this cascade. An assessment notice signals an escalation in Ofcom's concerns about a specific provider that routine engagement has not resolved, so it is an exceptional event rather than a routine one, and Ofcom's ordinary information needs are met through the more predictable s.135 information notice route (current statement paras 3.44-3.45). The knock-on burden on suppliers is correspondingly rare and, where it arises, foreseeable. Removing the escalation framing (draft statement para 3.37) removes that mitigation. Combined with the clearer expectation that Ofcom may directly supervise Tier 3 services it considers particularly significant (draft statement para 3.12), smaller providers face a materially greater prospect of being drawn, directly or through the supply chain, into an intensive audit-style process. INCA therefore asks that, where an assessment reaches a larger provider's supply chain, the Statement commit Ofcom to have regard to the proportionality of the burden placed on subordinate and wholesale providers who are not themselves the subject of Ofcom's concern.
- 41 The overarching duties in ss.105A and 105C bind all providers, including Tier 3, and INCA does not ask Ofcom to relieve any provider of them. Risk-based escalation should be preserved: a provider whose systemic footprint grows, or whose service becomes genuinely key, warrants fuller scrutiny. INCA asks Ofcom not to apply the assessment power routinely, outside an escalation context, to providers whose risk profile does not warrant it.
- 42 A proportionate approach also serves the regime's security objectives. Ofcom's assessment resource is finite, and applying it broadly across lower-risk providers necessarily reduces the attention available for those presenting the greatest risk.

7 INCA's recommendations

7.1 INCA asks Ofcom to:

- a. **Retain an explicit proportionality safeguard for assessment notices in the Statement.** Commit, on the face of the Statement, that routine (non-escalation) assessment notices will be reserved for providers, services or circumstances presenting higher regulatory or systemic risk, and used for smaller and lower-risk providers only where risk or cause justifies it; having regard to the Code's treatment of Tier 3 providers (Code paras 0.13–0.14) and to Ofcom's s.3 duty to regulate in a way that is proportionate and targeted only at cases in which action is needed (consultation para 2.10).
- b. **Specify the criteria for supervising Tier 3 providers.** Set out the criteria Ofcom would use to determine whether a Tier 3 operator requires supervision by reason of “delivering a key service, or one of increasing significance” (draft statement para 3.12).
- c. **Commit to cost-proportionality for smaller providers.** Commit in the Statement that, for smaller providers, Ofcom will exercise the assessment power consistently with the “reasonably incurred” cost limitation in s.105N, and will use the power under s.105O(11)(b) to vary an assessment notice so as to make it less onerous where a notice would otherwise impose a disproportionate burden.
- d. **Have regard to the burden on the supply chain.** Commit in the Statement that, where an assessment reaches a larger provider's supply chain, Ofcom will have regard to the proportionality of the burden placed on subordinate and wholesale providers who are not themselves the subject of Ofcom's concern. While INCA recognises that an assessment notice may reduce the need to prepare extensive documentary evidence in some circumstances, this may not reduce the overall burden on smaller providers. An assessment typically requires access to technical personnel, operational systems, facilities and management time at relatively short notice. For smaller providers with limited specialist resources, this operational disruption may exceed the effort associated with responding to a structured information request.
- e. **Clarify shared-infrastructure reporting, and work toward a cross-industry standard.** Clarify in the incident-reporting section of the Statement who is expected to report where infrastructure is shared or wholesaled, so as to avoid both duplication and gaps (addressing the acknowledged risk of duplicate reporting at draft statement para 5.21);

and work with industry (with INCA's active help) toward a consistent cross-industry incident-reporting and information-sharing standard. INCA encourages Ofcom to work with industry to develop supplementary implementation guidance, including worked examples for pre-positioning incidents, shared infrastructure, wholesale reporting responsibilities, assessing the significance of incidents and information exchange between providers.

- f. **If minded not to adopt the foregoing recommendations, give reasons.** If Ofcom is minded not to build these proportionality safeguards into the Statement, INCA asks Ofcom to give reasons explaining how the proposed supervisory approach remains proportionate and targeted only at cases in which action is needed (consultation para 2.10), particularly where smaller providers or wholesale suppliers become involved through the supply chain and consistent with the Code's treatment of Tier 3 providers (Code paras 0.13–0.14).

43 INCA would welcome the opportunity to discuss any of the above with Ofcom's network security team, and to contribute directly to the development of a cross-industry incident-reporting and information-sharing standard. INCA's aim throughout is a security regime that is both effective and proportionate, and it is ready to work with Ofcom on an evidence-based footing to that end.

8 Authorities relied on

8.1 In support of this response, INCA relies on the following authorities:

1. **Communications Act 2003, section 3** - Ofcom's general duties, including the principle that regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed (as restated by Ofcom at consultation para 2.10).
2. **Communications Act 2003, section 105A(1) and section 105C** - the overarching security duties, requiring measures that are "appropriate and proportionate".
3. **Communications Act 2003, section 105N** - Ofcom's power to carry out an assessment of whether a provider is complying with the security duties (an at-will power, with no statutory trigger), and the provider's duty to pay Ofcom's costs "reasonably incurred".

4. **Communications Act 2003, section 105O(11)(b)** - the power to vary an assessment notice so as to make it less onerous.

5. **Communications Act 2003, section 105I** - the power to direct a provider to explain a code failure, exercisable on "reasonable grounds for suspecting" (cited as the deliberate statutory contrast to the unconditioned s.105N power).

6. **Communications Act 2003, sections 105U–105V** - the interim-steps power, available only on an imminent/likely risk and where reasonable to require (a further statutory contrast).

7. **Communications Act 2003, section 105Y(1) and section 105Y(4)** - the duty to publish the Statement of Policy, and Ofcom's duty to have regard to it when exercising the relevant functions.

8. **Electronic Communications (Security Measures) Regulations 2022, regulation 16** - the micro-entity exemption from regulations 3 to 15.

9. **Telecommunications Security Code of Practice (DSIT, December 2022), paras 0.12–0.14** - the Tier 1/2/3 thresholds and the expectation that Tier 3 providers are not expected to follow the Code's measures.

10. **Ofcom's consultation document (12 May 2026)** - in particular para 2.10 (Ofcom's s.3 duties), paras 3.13–3.14 (assessment-notice repositioning), para 3.25 (universal reporting criteria), para 3.48 (critical-threshold reduction); and the **draft revised Statement of Policy (Annex 7)** - in particular para 3.12 (Tier 3 key-service supervision), para 3.37 (assessment-notice general policy), para 5.21 (third-party/wholesale reporting) and Table 5 (reporting severities); and the **current 2022 Statement of Policy** - paras 3.44–3.45 (the escalation framing now proposed for deletion).