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By email: [Redacted]

Our ref: FOI2024/06092  
15 April 2024

Dear [Redacted] ,

## **REQUEST FOR INFORMATION: Network and Information Systems Regulations (2018)**

Thank you for your request for information of 14 March 2024 about Network and Information Systems Regulations (2018). We have handled your request under the Freedom of Information Act 2000 (FOIA).

Your information request and our response are set out below.

*For each of the last three calendar years (i.e. 2023, 2022 & 2021) please could you let me know:*

- a. *The total number of network and information systems incidents notified to your department by relevant OESs/RDSPs under the NIS Regs.*

Please see table below with accompanying text.

- b. *For each such notification please provide: (i) the year of the notification, e.g. 2023/2022s/2021; and (ii) where you regulate more than one sector, the sub-sector of the entity making the notification (e.g. Electricity/Gas); (iii) whether the notification was made within the 72 hour reporting window; and (iv) whether formal enforcement action was taken.*

For b(i) see below table.

For b(ii) all figures in the below table are for the Drinking Water Supply and Distribution Sector/Sub-Sector for England and Wales.

For b(iii) as far as the Inspectorate are aware, all NIS Incidents have been notified within the 72-hour reporting window of the respective OES becoming aware a NIS incident has occurred.

For b(iv) the Inspectorate have initiated formal enforcement action once post-incident in 2021, once post-incident in 2022 and to current date 2023 has not warranted formal enforcement, which may or may not change as incident investigations progress.

For each instance in which formal enforcement action was taken, as set out above, please you could you let me know:

- a) *The power exercised, e.g. information notice, use of powers of inspection, service of an enforcement notice or issue of a penalty.*

For the incident in 2021, the Inspectorate used our powers of inspection and the OES received formal DWI recommendations (not served under Regulation 17).

For the incident in 2022, the Inspectorate are not at liberty to disclose details as the case as has not been concluded.

- b) *If the power exercised was a fine, the amount of the fine.*

The information here is not held.

**Table:**

	2021	2022	2023	Total
Reported NIS incidents	2	2	7	11
Other Incidents below threshold for NIS	0	6	6	12

We have considered the classification of reports under NIS and other incidents and done so with the following criteria:

1. Cyber:- suspected or actual malicious activity on a network or information system that directly impacts on the production and delivery of wholesome water, irrespective of whether or not customers are directly affected.
2. Resilience: - A non-malicious, operational failure of a network or information system, including due to operator error or system misconfiguration, that directly impacts on the production and delivery of wholesome water which leads to a direct effect on customers.
3. Additional reporting criteria introduced for 2022, iterate that we expect companies to inform us of incidents that do not directly result in a significant impact, but nonetheless pose a risk to the security and resilience of networks and the essential services provided (and the reason for an elevated 2022 number).

Lines 1 & 2 may be considered as within NIS and line 3 as a voluntary notification. It should be understood that any notifications are interpretive both by the reporting companies and DWI and we have attempted to standardise the criteria which has produced the table above. Investigations may reveal elements that lead to a reclassification of an incident in terms of threshold reported under.

The above table is the outcome up to 31 December 2023 as stipulated in the request.

Information disclosed in response to this FOIA request is releasable to the public. In keeping with the spirit and effect of the FOIA and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on [GOV.UK](https://www.gov.uk), together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

We attach Annex A, explaining the copyright that applies to the information being released to you, and Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact me.

Yours sincerely

[Redacted]

**Information Rights Team**  
[InformationRequests@defra.gov.uk](mailto:InformationRequests@defra.gov.uk)

## Annex A

### Copyright

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## Annex B

### Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to [Redacted], Head of Information Rights via email at [InformationRequests@defra.gov.uk](mailto:InformationRequests@defra.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our website.

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted Defra's own complaints procedure.

The ICO can be contacted using the following link:

<https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>