



House of Commons

Tuesday 19 January 2021

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*
Amendments tabled since the last publication: 5 to 25 and NC1 to NC4

TELECOMMUNICATIONS (SECURITY) BILL

NOTE

This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

Mr Kevan Jones

7

- ★ Clause 1, page 1, line 19, at end insert—
 “(ba) the presence in the network or service of supply chain components which represent a threat to national security;”

Member’s explanatory statement

This amendment would add the presence of supply chain components which represent a security threat to the list of “security compromises” which network and service providers must take security measures against. “Supply chain components” are defined by Amendment 8.

Mr Kevan Jones

8

- ★ Clause 1, page 3, line 17, at end insert ““supply chain components” means the sequence of processes involved in the production, distribution and maintenance of networks and services.”

Member’s explanatory statement

This amendment defines “supply chain components” for the purposes of Amendment 7.

 Telecommunications (Security) Bill, *continued*

Chi Onwurah
 Christian Matheson
 Catherine West
 Mr Kevan Jones
 Feryal Clark

9

★ Clause 1, page 3, line 26, at end insert—

“(2A) The Secretary of State must provide the Intelligence and Security Committee of Parliament with a report on the specified measures.”

Member’s explanatory statement

This amendment would ensure that the Intelligence and Security Committee of Parliament is provided with any information relating to specified security measures which the Secretary of State requires the provider of a public electronic communications network or a public electronic communications service to take.

Chi Onwurah
 Christian Matheson
 Catherine West
 Mr Kevan Jones
 Feryal Clark

21

★ Clause 1, page 3, line 26, at end insert—

“(2A) The Secretary of State must make regulations under subsection (1) requiring providers of public electronic communications networks and public electronic communications services to carry out an audit of the goods, services and facilities supplied, provided or made available for the purposes of the provision of their network or service to ascertain whether they present a risk to the security of that network or service.”

Member’s explanatory statement

This amendment is a probing amendment designed to learn how the Government plans to ensure network operators have a comprehensive audit of hardware of interest because, for example, it is manufactured by a designated or high-risk vendor.

Mr Kevan Jones

6

★ Clause 3, page 5, line 4, at end insert—

“(ia) the National Cyber Security Centre;”

Member’s explanatory statement

This amendment would require the Secretary of State to consult the National Cyber Security Centre on any draft code of practice about security measures under new section 105E.

Telecommunications (Security) Bill, *continued*

Chi Onwurah
Christian Matheson
Catherine West
Mr Kevan Jones
Feryal Clark

10

★ Clause 3, page 5, line 8, at end insert—

“(iiiia) the National Cyber Security Centre;”

Member’s explanatory statement

This amendment requires the Secretary of State to consult the National Cyber Security Centre before issuing a code of practice about security measures.

Mr Kevan Jones

5

★ Clause 4, page 7, line 41, after “OFCOM”, insert “and the National Cyber Security Centre”

Member’s explanatory statement

This amendment would require providers to inform the National Cyber Security Centre, as well as OFCOM, of any security compromise.

Chi Onwurah
Christian Matheson
Catherine West
Mr Kevan Jones
Feryal Clark

11

★ Clause 5, page 9, line 41, at end insert—

“(2) Providers of public electronic communications networks and public electronic communications services must notify Ofcom of any planned or actual changes to their network or service which might compromise their ability to comply with the duties imposed on them by or under sections 105A to 105D, 105J and 105K.”

Member’s explanatory statement

This amendment would require providers of public electronic communications networks or services to notify Ofcom of any changes to their network or service which might compromise their ability to comply with their security duties.

 Telecommunications (Security) Bill, *continued*

Chi Onwurah
 Christian Matheson
 Catherine West
 Mr Kevan Jones
 Feryal Clark

12

★ Clause 6, page 10, line 12, at end insert—

“(3) In this section “another person” means a UK government agency or a person from a UK government agency.

(4) OFCOM may not incur costs exceeding £50,000 in carrying out, or arranging or another person to carry out, an assessment under this section.”

Member’s explanatory statement

This amendment restricts those who Ofcom may arrange to carry out an assessment under this section to a UK government agency or person from such an agency. It also caps the cost of an individual security assessment at £50,000 for Ofcom.

Chi Onwurah
 Christian Matheson
 Catherine West
 Mr Kevan Jones
 Feryal Clark

13

★ Clause 6, page 10, line 21, at end insert—

“(aa) provide a report on the diversity of their network’s supply chains;”

Member’s explanatory statement

This amendment gives Ofcom the power to request a report from a network provider on the diversity of their supply chains for the purpose of assessing whether they are complying with the security duties placed on them by earlier sections of the Act.

Chi Onwurah
 Christian Matheson
 Catherine West
 Mr Kevan Jones
 Feryal Clark

14

★ Clause 11, page 18, line 26, at end insert—

“(aa) an assessment of the impact on security of changes to the diversity of the supply chain for network equipment;”

Member’s explanatory statement

This amendment requires that network supply chain diversification is included in Ofcom reports on security.

Telecommunications (Security) Bill, continued

Chi Onwurah
Christian Matheson
Catherine West
Mr Kevan Jones
Feryal Clark

15

- ★ Clause 14, page 21, line 28, leave out from beginning to end of line 30 and insert—
- “(3) The reports must be published not more than 12 months apart for the first 5 years, then not more than 5 years apart.
- (4) The first report must be published within the period of 12 months beginning with the day on which this Act is passed.”

Member’s explanatory statement

This amendment requires the Secretary of State to report on the impact and effectiveness of clauses 1 to 13 every year for the first five years after the Act is passed, and then every five years following.

Chi Onwurah
Christian Matheson
Catherine West
Mr Kevan Jones
Feryal Clark

16

- ★ Clause 15, page 22, line 12, at end insert—
- “(2A) When considering whether a designated vendor direction is necessary in the interests of national security, the Secretary of State must take account of the advice provided by the intelligence services.”

Member’s explanatory statement

This amendment would require the Secretary of State to give due priority to advice provided by the Intelligence Services (including the National Cyber Security Centre as part of GCHQ) when considering when to issue a designated vendor direction.

Chi Onwurah
Christian Matheson
Catherine West
Mr Kevan Jones
Feryal Clark

17

- ★ Clause 16, page 27, line 8, at end insert—
- “(3A) When considering whether a designation notice is necessary in the interests of national security, the Secretary of State must take account of the advice provided by the intelligence services.”

Member’s explanatory statement

This amendment would require the Secretary of State to give due priority to advice provided by the Intelligence Services (including the National Cyber Security Centre as part of GCHQ) when considering whether to issue a designation notice.

 Telecommunications (Security) Bill, *continued*

Chi Onwurah
 Christian Matheson
 Catherine West
 Mr Kevan Jones
 Feryal Clark

18

- ★ Clause 16, page 28, line 3, at end insert—

“(m) the person’s control of data flows.”

Member’s explanatory statement

This amendment requires the Secretary of State to consider a person’s potential control of data flows when issuing a designation notice.

Chi Onwurah
 Christian Matheson
 Catherine West
 Mr Kevan Jones
 Feryal Clark

19

- ★ Clause 17, page 29, line 19, at end insert “, together with an assessment of the impact the designation notice will have on supply chain diversity;”

Member’s explanatory statement

This amendment requires the Secretary of State to lay before Parliament a report on the impact a designation notice will have on telecoms market supply chain diversity, enabling parliamentary scrutiny.

Chi Onwurah
 Christian Matheson
 Catherine West
 Mr Kevan Jones
 Feryal Clark

20

- ★ Clause 17, page 29, line 32, at end insert—

“(4) Where the Secretary of State considers that laying a copy of the direction or notice (as the case may be) before Parliament would, under subsection (2), be contrary to the interests of national security, a copy of the direction or notice must be provided to the Intelligence and Security Committee of Parliament as soon as reasonably practicable.

(5) Any information excluded from what is laid before Parliament under the provision in subsection (3)(b) must be provided to the Intelligence and Security Committee of Parliament as soon as reasonably practicable.”

Member’s explanatory statement

This amendment would ensure that the Intelligence and Security Committee of Parliament is provided with any information relating to a designated vendor direction or designation notice which on grounds of national security is not laid before Parliament, thereby enabling Parliamentary oversight of all directions and notices.

Telecommunications (Security) Bill, continued

Chi Onwurah
Christian Matheson
Catherine West
Mr Kevan Jones
Feryal Clark

22

★ Clause 20, page 35, line 30, at end insert—

“(9) The Secretary of State must provide the Intelligence and Security Committee of Parliament with a copy of any notification under this section relating to a designated vendor direction, designation notice, a notice of a variation or revocation of a designated vendor direction or a notice of a variation or revocation of a designation notice to which subsection (2) or (3)(b) of section 105Z11 applies.”

Member’s explanatory statement

This amendment would require the Secretary of State to provide the Intelligence and Security Committee of Parliament with a copy of any notification under this section which relates to a direction or notice that has not been laid before Parliament on grounds of national security.

Chi Onwurah
Christian Matheson
Catherine West
Mr Kevan Jones
Feryal Clark

23

★ Clause 20, page 37, line 41, at end insert—

“(10) The Secretary of State must provide the Intelligence and Security Committee of Parliament with a copy of any confirmation decision relating to a designated vendor direction, designation notice, a notice of a variation or revocation of a designated vendor direction or a notice of a variation or revocation of a designation notice to which subsection (2) or (3)(b) of section 105Z11 applies.”

Member’s explanatory statement

This amendment would require the Secretary of State to provide the Intelligence and Security Committee of Parliament with a copy of any confirmation decision which relates to a direction or notice that has not been laid before Parliament on grounds of national security.

Chi Onwurah
Christian Matheson
Catherine West
Mr Kevan Jones
Feryal Clark

24

★ Clause 21, page 39, line 9, at end insert—

“(6) The Secretary of State must provide the Intelligence and Security Committee of Parliament with a copy of any urgent enforcement direction relating to a designated vendor direction to which subsection (2) or (3)(b) of section 105Z11 applies.”

Member’s explanatory statement

This amendment would require the Secretary of State to provide the Intelligence and Security Committee of Parliament with a copy of any urgent enforcement direction which relates to a direction that has not been laid before Parliament on grounds of national security.

 Telecommunications (Security) Bill, *continued*

Chi Onwurah
 Christian Matheson
 Catherine West
 Mr Kevan Jones
 Feryal Clark

25

★ Clause 21, page 40, line 6, at end insert—

“(8) The Secretary of State must provide the Intelligence and Security Committee of Parliament with a copy of any confirmation of an urgent enforcement notification relating to a designated vendor direction to which subsection (2) or (3)(b) of section 105Z11 applies.”

Member’s explanatory statement

This amendment would require the Secretary of State to provide the Intelligence and Security Committee of Parliament with a copy of any confirmation of an urgent enforcement notification which relates to a direction that has not been laid before Parliament on grounds of national security.

Matt Warman

1

Clause 28, page 46, line 19, leave out “section 14” and insert “sections 14 to 23”

Member’s explanatory statement

This amendment would cause clauses 15 to 23 to come into force on Royal Assent.

Matt Warman

2

Clause 28, page 46, line 19, at end insert—

“() section 24, so far as it relates to section 18;”

Member’s explanatory statement

This amendment is consequential upon Amendment 1. Clause 24 provides for higher penalties to be available for certain contraventions of information requirements, including contraventions associated with section 105Z12 of the Communications Act 2003, which is inserted by clause 18.

Matt Warman

3

Clause 28, page 46, line 25, leave out subsection (2).

Member’s explanatory statement

This amendment is consequential upon Amendments 1 and 2.

Matt Warman

4

Clause 28, page 46, line 30, at end insert—

“() section 24 (so far as not already in force by virtue of subsection (1));”

Member’s explanatory statement

This amendment is consequential upon Amendments 1 and 2.

Telecommunications (Security) Bill, *continued*

Mr Kevan Jones

NC1

- ★ To move the following Clause—

“Review of Ofcom’s capacity and capability to undertake duties

The Secretary of State must, not later than 12 months after the day on which this Act is passed, lay before Parliament a report on Ofcom’s capacity and capability to undertake its duties under this Act.”

Chi Onwurah
Christian Matheson
Catherine West
Mr Kevan Jones
Feryal Clark

NC2

- ★ To move the following Clause—

“Reporting to Parliament

- (1) The Secretary of State must produce an annual report for the Intelligence and Security Committee of Parliament concerning—
 - (a) designated vendor directions made under section 105Z1 of the Communications Act 2003 (inserted by section 15 of this Act); and
 - (b) designation notices issued under section 105Z8 of the Communications Act 2003 (inserted by section 16 of this Act).
- (2) The report must contain an assessment of the national security risks underpinning the directions and notices made under those sections.
- (3) Ofcom must produce an annual report for the Intelligence and Security Committee of Parliament—
 - (a) assessing the adequacy of existing security measures within UK public electronic communication networks and services; and
 - (b) assessing future threats to the security of those networks and services.”

Member’s explanatory statement

This new clause introduces a requirement for the Secretary of State to report to Parliament on the impact of vendor designation on national security risks. It also requires Ofcom to produce a forward looking report on future threats to network security and undertake an assessment of the adequacy of existing measures.

Telecommunications (Security) Bill, *continued*

Chi Onwurah
 Christian Matheson
 Catherine West
 Mr Kevan Jones
 Feryal Clark

NC3

★ To move the following Clause—

“Duty of Ofcom to report on its resources

- (1) Ofcom must publish an annual report on the effect on its resources of fulfilling its duties under this Act.
- (2) The report required by subsection (1) must include an assessment of—
 - (a) the adequacy of Ofcom’s budget and funding;
 - (b) the adequacy of staffing levels in Ofcom; and
 - (c) any skills shortages faced by Ofcom.”

Member’s explanatory statement

This new clause introduces an obligation on Ofcom to report on the adequacy of their existing budget following the implementation of new responsibilities.

Chi Onwurah
 Christian Matheson
 Catherine West
 Mr Kevan Jones
 Feryal Clark

NC4

★ To move the following Clause—

“Network diversification

- (1) The Secretary of State must publish an annual report on the impact of progress of the diversification of the telecoms supply chain on the security of public electronic communication networks and services.
- (2) The report required by subsection (1) must include an assessment of the effect on the security of those networks and services of—
 - (a) progress in network diversification set against the diversification strategy;
 - (b) likely changes in ownership or trading position of existing market players;
 - (c) new areas of market consolidation and diversification risk including the cloud computing sector;
 - (d) measures taken to implement the diversification strategy; and
 - (e) the public funding which is available for diversification.
- (3) The Secretary of State must lay the report before Parliament.
- (4) A Minister of the Crown must, not later than two months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.”

Telecommunications (Security) Bill, *continued*

Member's explanatory statement

This new clause requires the Secretary of State to report on the impact of the Government's diversification strategy on the security of telecommunication networks and services, and to allow for a debate in the House of Commons on the report.

ORDER OF THE HOUSE [30 NOVEMBER 2020, AS AMENDED
17 DECEMBER 2020]

That the following provisions shall apply to the Telecommunications (Security) Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 28 January 2021.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.
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ORDER OF THE COMMITTEE [14 JANUARY 2021]

That—

- (1) the Committee shall (in addition to its first meeting at 11.30am on Thursday 14 January) meet—
 - (a) at 2.00 pm on Thursday 14 January;
 - (b) at 9.25 am and 2.00 pm on Tuesday 19 January;
 - (c) at 11.30 am and 2.00 pm on Thursday 21 January;
 - (d) at 9.25 am and 2.00 pm on Tuesday 26 January;
 - (e) at 11.30 am and 2.00 pm on Thursday 28 January;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

Telecommunications (Security) Bill, *continued*

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Thursday 14 January	Until no later than 12.30 pm	Three; O2; Vodafone
Thursday 14 January	Until no later than 1.00 pm	British Telecommunications
Thursday 14 January	Until no later than 2.45 pm	Mobile UK; TechUK
Thursday 14 January	Until no later than 3.30 pm	Mavenir; NEC Europe Ltd
Thursday 14 January	Until no later than 4.15 pm	Small Cell Forum; Digital Policy Alliance
Thursday 14 January	Until no later than 4.45 pm	British Standards Institution; Royal United Services Institute
Tuesday 19 January	Until no later than 10.10 am	Webb Search; Oxford Information Labs
Tuesday 19 January	Until no later than 10.45 am	Dr Alexi Drew, the Centre for Science and Security Studies, King's College London
Tuesday 19 January	Until no later than 11.25 am	The Office of Communications
Tuesday 19 January	Until no later than 2.45 pm	Catapult Compound Semiconductor Applications; Dr Nick Johnson; UtterBerry
Tuesday 19 January	Until no later than 3.30 pm	MWE Media Ltd; Lumenisity; Dr David Cleevly CBE
Tuesday 19 January	Until no later than 4.00 pm	Information Technology and Innovation Foundation

(3) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 28 January.