

Rt Hon Mark Drakeford MS
First Minister of Wales

31 January 2024

Dear Mark,

Data Protection and Digital Information Bill

As you are aware, the Legislation, Justice and Constitution Committee has been considering and reporting on Welsh Government legislative consent memoranda laid before the Senedd relating to the UK Government's Data Protection and Digital Information Bill (the Bill).

At our meeting on 22 January 2024, during which we agreed our report on Memorandum No. 3 on the Bill, we discussed the provisions in the Bill relating to direct marketing for the purposes of democratic engagement (clause 114 in the Bill as brought from the Commons). As we understand it, the UK Government does not consider that this clause engages the legislative consent process in Wales, and legislative consent memoranda laid before the Senedd to date have not included reference to this clause as a relevant provision.

We also discussed a report in the Financial Times which referenced a letter sent by the then Minister for Data and Digital Infrastructure, Sir John Whittingdale, to a Member of the UK Parliament reportedly confirming that the UK Government in future may temporarily 'switch off' some direct marketing rules in the run-up to an election.

Given our consideration of the legislative consent memoranda and our broader interest in constitutional matters, we would welcome your views and further details on a number of matters:

1. What is the Welsh Government's assessment on clause 114's engagement with Standing Order 29 (if any)?
2. Has the Welsh Government made any assessment on the provision's potential impact on devolved Welsh elections?



3. Clause 114(5) of the Bill provides that, before making regulations under this power, the Secretary of State must consult the Information Commissioner and any other persons the Secretary of State considers appropriate. Has the Welsh Government had any discussions with the UK Government about whether the Welsh Ministers would be consulted in relation to any impact on data use relating to devolved Welsh elections by regulations made under clause 114?
4. Is the Welsh Government aware of any UK Government plan to 'switch off' direct marketing rules in advance of a UK General election?

I would be grateful to receive a response by Wednesday 14 February 2024.

I am copying this letter to the Culture, Communications, Welsh Language, Sport, and International Relations Committee, and to the Local Government and Housing Committee.

Yours sincerely,

Huw Irranca-Davies

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Chair

