



Huw Irranca-Davies MS
Chair of the Legislation, Justice and Constitution Committee
huw.Irranca-Davies@senedd.wales

12 February 2024

Dear Huw,

I am writing in response to your letter regarding the Data Protection and Digital Information Bill (the Bill) dated 31 January.

Your letter refers to discussions held by the Legislation, Justice & Constitution Committee with regards to clause 114 of the Bill (Direct marketing for the purposes of democratic engagement) and asks my views and further details on a number of matters.

In relation to your question about the Welsh Government's assessment of clause 114's engagement with Standing Order 29. Clauses 108 to 119 of the Bill make amendments to, and in relation to, the Privacy and Electronic Communications (EC Directive) Regulations 2003 (the PEC Regulations). These PEC Regulations concern the protection of data subjects' privacy in relation to electronic communications. Therefore, to the extent that the PEC Regulations apply to the processing of personal data, clause 114 relates to the reserved matter of protection of personal data (paragraph 170 of Schedule 7A to the Government of Wales Act 2006). Therefore, Standing Order 29 is not engaged.

Welsh Government was not consulted by UK Government Ministers in the preparation of this clause, and neither its substance nor policy intent has been raised with us. We note the comments made in the Commons debate on this provision.

My officials have spoken to their UK Government counterparts who have advised that there are currently no plans to prepare regulations using this new power for devolved elections. Should this position change I will inform the Committee.

I trust that this letter provides the Committee with the information they require.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

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,

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

MARK DRAKEFORD