



Our Ref: RE/303/2024

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30 October 2024

Dear Llywydd,

The UK Government introduced the Data (Use and Access) Bill “DUA Bill” to the House of Lords on 23 October. The purpose of this letter is to notify you of a possible delay in laying a Legislative Consent Memorandum in relation to the Bill. There are a number of reasons for this which relate primarily to the complexity and length of the Bill, coupled with the need to consider the issues encountered on the previous Data Protection and Digital Information Bill, which contained similar provisions to those within the new DUA Bill.

Through the DUA Bill the UK Government is seeking ‘*harness the enormous power of data to make our lives easier, healthier and wealthier*’ it will ‘*provide efficiencies and opportunities worth approximately £10 billion over 10 years*’ and it will have three objectives: ‘*harnessing the power of data for economic growth, supporting a modern digital government, and improving people's lives*’.

This is a complex piece of legislation which cuts across a number of Welsh Government policy areas and Ministerial portfolios. The breadth of the DUA Bill, which is made up of seven Parts and covers 262 pages in length, is demonstrated through the Bill’s long title as follows:

A bill to make provision about access to customer data and business data; to make provision about services consisting of the use of information to ascertain and verify facts about individuals; to make provision about the recording and sharing, and keeping of registers, of information relating to apparatus in streets; to make provision about the keeping and maintenance of registers of births and deaths; to make provision for the regulation of the processing of information relating to identified or identifiable living individuals; to make provision about privacy and electronic communications; to establish the Information Commission; to make provision about information standards for health and social care; to make provision about the grant of smart meter communication licences; to make provision about the disclosure of information to improve public service delivery; to make provision about the retention of information by providers of internet

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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.

services in connection with investigations into child deaths; to make provision about providing information for purposes related to the carrying out of independent research into online safety matters; to make provision about the retention of biometric data; to make provision about services for the provision of electronic signatures, electronic seals and other trust services; and for connected purposes.

As you will be aware, the previous UK Government introduced the Data Protection and Digital Information (DPDI) Bill, which fell following the dissolution of Parliament prior to the General Election. Although the majority of the DPDI Bill concerned reserved matters, four Legislative Consent Memoranda were laid on the Bill. The Welsh Government were supportive of the policy intent of the majority of the Bill's provisions. However, a number of concerns were identified from both a policy and constitutional perspective. Whilst extensive engagement was undertaken with UK Government to address these concerns, a satisfactory resolution was not achieved. This resulted in the Senedd withholding its consent for the DPDI Bill during the Legislative Consent Motion plenary debate on the Bill on 14 May.

My officials received first sight of the draft DUA Bill in its entirety on 3 October, with an updated version ([HL Bill 40 \(as introduced\)](#)) being published on 24 October.

The UK Government have stated they will be seeking legislative consent from the Senedd in respect of provisions within four different parts of the Bill:

- Part 1 Access to Customer Data and Business Data.
- Part 2 Digital Verification Services.
- Part 3 National Underground Asset Register.
- Part 7 Information to improve public service delivery.

We are currently analysing the Bill, and whilst we do expect to lay a Legislative Consent Memorandum before the Senedd, it is likely that this will be outside the normal two-week Standing Order 29 deadline due to the reasons outlined above.

I am copying this letter to the Counsel General and Minister for Delivery.

Yours sincerely,



Rebecca Evans AS/MS

Cabinet Secretary for Economy, Energy and Planning
Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio