

# **The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Data (Use and Access) Bill**

May 2025



# 1. Background

## The UK Government's Data (Use and Access) Bill

1. The Data (Use and Access) Bill<sup>1</sup> (the Bill) was introduced into the House of Lords and had its first reading on 23 October 2024. It is sponsored by the Department for Science, Innovation and Technology. At the time this report was agreed, Report stage and third reading in the House of Commons were scheduled to take place on Wednesday 7 May.

## The Welsh Government's Legislative Consent Memoranda

2. Standing Orders 29.1 and 29.2 provide that a legislative consent memorandum is required when a relevant UK Bill makes provision in relation to Wales that has regard to devolved matters.
3. On 2 January 2025, Rebecca Evans MS, the Cabinet Secretary for Economy, Energy and Planning (the Cabinet Secretary), laid before the Senedd a Legislative Consent Memorandum (the Memorandum) in respect of the Bill.<sup>2</sup> We reported on the Memorandum on 7 March 2025 (our first report).<sup>3</sup> The Cabinet Secretary responded to our first report on 24 April 2025.<sup>4</sup>
4. The Cabinet Secretary laid a Supplementary Legislative Consent Memorandum (Memorandum No. 2) in respect of the Bill on 12 March 2025.<sup>5</sup> We reported on Memorandum No. 2 on 2 April 2025 (our second report).<sup>6</sup> The Cabinet Secretary responded to our second report on 24 April 2025.<sup>7</sup>

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<sup>1</sup> The Data (Use and Access) Bill, as introduced

<sup>2</sup> Welsh Government, Legislative Consent Memorandum, The Data (Use and Access) Bill, January 2025

<sup>3</sup> Legislation, Justice and Constitution Committee, Report on the Welsh Government's Legislative Consent Memorandum on the Data (Use and Access) Bill, March 2025

<sup>4</sup> Letter from the Cabinet Secretary for Economy, Energy and Planning, 24 April 2025

<sup>5</sup> Welsh Government, Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Data (Use and Access) Bill, March 2025

<sup>6</sup> Legislation, Justice and Constitution Committee, Report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 2) on the Data (Use and Access) Bill, April 2025

<sup>7</sup> Letter from the Cabinet Secretary for Economy, Energy and Planning, 24 April 2025

**5.** The Cabinet Secretary laid a further Supplementary Legislative Consent Memorandum (Memorandum No. 3) on 3 April 2025.<sup>8</sup> We reported on Memorandum No. 3 on 2 May 2025 (our third report).<sup>9</sup>

**6.** The Cabinet Secretary laid another Supplementary Legislative Consent Memorandum (Memorandum No. 4) on 28 April 2025<sup>10</sup>, which relates to amendments tabled on 28 April 2025 for House of Commons Report stage.

**7.** At paragraph 7 of Memorandum No. 4, the Cabinet Secretary states:

*“The following government amendments tabled on 28 April to Part 1 of the Bill, were assessed as requiring legislative consent of the Senedd (the reference numbers used below are the OPC reference numbers assigned to the amendments prior to their formal publication):*

- *Amendments OPC 155-160, which amend clause 4.*
- *Amendments OPC 139-141 and OPC 168, which amend clause 11.*
- *Amendment OPC 170, which amends clause 21*
- *Amendment OPC 173, which amends clause 25.”*

**8.** The Cabinet Secretary concludes that:

- she remains supportive of the UK Government's policy intent behind the Bill<sup>11</sup>;
- concerns remain in relation to the impact the Bill may have on the UK's Data Adequacy status<sup>12</sup>;
- she is able to continue to recommend the Senedd supports the Bill and gives its consent<sup>13</sup>.

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<sup>8</sup> Welsh Government, [Supplementary Legislative Consent Memorandum \(Memorandum No. 3\) on the Data \(Use and Access\) Bill](#), April 2025

<sup>9</sup> Legislation, Justice and Constitution Committee, [Report on the Welsh Government's Supplementary Legislative Consent Memorandum \(Memorandum No. 3\) on the Data \(Use and Access\) Bill](#), May 2025

<sup>10</sup> Welsh Government, [Supplementary Legislative Consent Memorandum \(Memorandum No. 4\) on the Data \(Use and Access\) Bill](#), April 2025

<sup>11</sup> Memorandum No. 4, paragraph 22

<sup>12</sup> Memorandum No. 4, paragraph 26

<sup>13</sup> Memorandum No. 4, paragraph 25

## 2. Committee Consideration

9. We considered Memorandum No. 4 at our meeting on 6 May 2025, and agreed our report at the same meeting.<sup>14</sup>

### Our view

#### Legislative consent

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10. We note the Welsh Government's assessment of the amendments to the provisions within the Bill that require the consent of the Senedd, as set out in Memorandum No. 4.

#### Overall concerns

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11. The timing of Memorandum No. 4 has meant it has not been possible for the Committee to consider it fully. This is not satisfactory.

12. Nonetheless, we consider it is important to highlight the following points:

- Memorandum No. 4 contains little information as to the effect of the amendments which are the subject of that memorandum.
- Memorandum No. 4 does not address the outstanding constitutional concerns with Parts 1 and 2 of the Bill identified by the Welsh Government.
- The use of OPC numbering in Memorandum No. 4 is unhelpful and does not aid transparency, and we have previously raised this as a concern.<sup>15</sup> We believe the OPC numbering relates to amendments 11 to 16, 19 to 22, 30 and 32 published in the Notices of Amendments as at 29 April 2025<sup>16</sup>.
- The Cabinet Secretary continues to recommend to the Senedd that consent be granted to the relevant provisions in the Bill despite her

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<sup>14</sup> Legislation, Justice and Constitution Committee, 6 May 2025

<sup>15</sup> Legislation, Justice and Constitution Committee, Report on The Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Data Protection and Digital Information Bill, May 2024, paragraphs 105 to 106 and conclusion 11

<sup>16</sup> House of Commons, Report Stage: Tuesday 29 April 2025, Data (Use and Access) Bill [HL] As amended (Amendment Paper)

constitutional concerns remaining along with ongoing concerns relating to the UK's current data adequacy decisions.

**13.** We stand by the concerns we expressed in the conclusions listed in our third report.