



Jenny Rathbone MS
Chair of the Equality and Social Justice Committee

18 January 2022

Dear Chair,

I am writing in response to your letter of 21 December seeking clarification on a number of data protection and data justice issues in Wales. Taking your questions in turn:

There is no single Welsh Minister responsible for the control of data, biometric data, and digital rights because these are policy areas which are not devolved to Wales. These are reserved matters by the UK Government.

As outlined in our Digital Strategy for Wales, we are keen to promote the use of data-driven innovation to support decision making and planning. This may include the use of new techniques such as predictive analytics where they can be effective in improving the lives of citizens. However, we are committed that in considering the use of data for such purposes it must be secure, ethical and fair.

Within the Welsh Government, we are using some data-driven processes to inform public sector planning and policy-making. [DataMapWales](#), the geospatial platform, has been used to make decisions extensively during the pandemic, for example, in identifying vaccination centres and drive times for temporary hospitals. It is being used by local authorities in Wales to consult on active travel plans, bringing together a Wales-wide view of proposals for the first time. DataMapWales is also being used as part of a service (called JIGSO) to provide the Welsh emergency responder community with up-to-date information to help them prioritise responses in an emergency situation.

DataMapWales has been designed to allow re-use of the data, enabling both the public and private sector to consume services that can be used as part of economic analysis/reporting. This is done in a safe and secure way.

The Welsh Government's Smart Towns project, delivered by Menter Mon, is helping both public and private sector organisations learn how to utilise data. By using emerging technologies such as LoRaWAN and established technologies like WiFi they are able to deploy sensors to collect anonymised data to better understand their customer base and trends in footfall for example.

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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.

On your point about Scotland's decision to create a Biometric Commissioner, the UK Biometrics and Surveillance Camera Commissioner covers both Welsh and English Police Forces and provides independent oversight related to the use by police of DNA samples, DNA profiles and fingerprints.

The Welsh Government supports the effective and responsible use of biometric data although, as stated above, biometric data policy is a non-devolved matter.

On your question about the regulatory framework around data protection, we believe that it currently works and a key aspect of this is the practical implementation and guidance produced by the Information Commissioner's Office (ICO). We have a constructive relationship with the ICO. There are also constructive relationships with the UK Government on data policy through various governance groups which underpin the delivery of the UK National Data Strategy, providing the opportunity for devolved governments to contribute to and understand emerging thinking.

On Brexit data implications, one of the biggest risks was the ability of the UK to secure an Adequacy Agreement with the EU to allow the free flow of information between the UK and the EU. This risk did not materialise as the UK secured the necessary Agreement. There is a new risk if changes are made to UK law on data flows which could put that Agreement at risk. We have drawn this to the attention of the UK government who remain responsible for actions in this area and we are able to monitor developments from a Welsh perspective. Changes which undermine the independence of the ICO would be of concern to Wales, particularly the way GDPR operates.

The Welsh Government does not hold a central list or register of Data Protection Impact Assessments.

The Welsh Government did respond to the UK Government consultation "Data a New Direction". The UK Biometrics and Surveillance Camera Commissioner also responded and his response is published [here](#). A copy of the Welsh Government response to the consultation is attached and will be published on the Welsh Government website.

I trust this response helps shape the Committee's work plan moving forward.

Yours sincerely,

A handwritten signature in grey ink that reads "Mark Drakeford". The signature is written in a cursive, flowing style.

MARK DRAKEFORD