

**Y Pwyllgor Deddfwriaeth,  
Cyfiawnder a'r Cyfansoddiad**

**Legislation, Justice and  
Constitution Committee**

**Senedd Cymru**

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Jeremy Miles MS  
Cabinet Secretary for Economy, Energy and Welsh Language

2 July 2024

Dear Jeremy,

Response to the Committee's report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Data Protection and Digital Information Bill

Thank you for your letter dated 17 June 2024 in which you responded to the recommendations in our report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Data Protection and Digital Information Bill. We considered your letter at our meetings on 24 June and 1 July.

We are aware that the Bill failed to complete its passage through the UK Parliament before the prorogue of Parliament on 24 May 2024 and its dissolution on 30 May 2024.

Nonetheless, the Committee has agreed to write to you with the aim of correcting a misunderstanding which appears in your letter. In the letter you state:

*"In respect of clauses 74 and 78, I also note that the Committee agreed that consent should be sought for clause 74 and clause 78(3), reflecting the UK Government's view that legislative consent should be sought when conferring or imposing reserved functions on a devolved Welsh authority."*

Unfortunately, this does not accurately reflect the conclusion we arrived at in our report on Memorandum No. 4 or indeed the views we expressed on the provisions in the Bill relating to digital verification services in our reports on earlier legislative consent memoranda for the Bill.

To confirm for the record, in light of paragraphs 87 to 95 of our report on Memorandum No. 4, conclusion 8 states:

*"While we disagree with the Welsh Government's position on the requirement for legislative consent in respect of clauses 74 and 78 (and related amendments to those clauses), we support the view that, where matters are considered to relate to devolved matters, the conferral of regulation-making powers solely upon the Secretary of State is inappropriate. In this respect, **we note the UK Government's view** that legislative consent should be sought when conferring or imposing reserved functions on a devolved Welsh authority and, as a result, it considers that agreement should be sought for clause 74 and clause 78(3)." (Emphasis added.)*

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

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style and is underlined with a single horizontal line.

Mike Hedges  
Chair