

**Rebecca Evans AS/MS**  
**Cabinet Secretary for Economy, Energy and Planning**  
**Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio**



**Llywodraeth Cymru**  
**Welsh Government**

Ein cyf/Our Ref: MA/RE/1216/25

Andrew RT Davies MS  
Chair  
Economy, Trade, and Rural Affairs Committee  
Senedd Cymru  
Cardiff Bay

17 June 2025

Dear Andrew,

I am writing in response to the Economy, Trade and Rural Affairs Committee's report laid on 2 May 2025 on the first two Legislative Consent Memoranda laid in respect of the Data (Use and Access) Bill ("the Bill").

As you will be aware, the Senedd plenary debate for the Legislative Consent Motion on the Bill was held on 6 May 2025. My recommendation was that the Senedd give its consent for the relevant provisions within the Bill, and I am pleased that the motion was agreed. I have since laid a further SLCM (No.5) on 16 May 2025 regarding provisions within Part 3 of the Bill, which make supplementary provision to the clauses for which consent was previously sought.

I would like to thank the members of the Committee for their scrutiny of the first Legislative Consent Memorandum (LCM) laid on 2 January 2025 and Supplementary LCM (SLCM) (No.2) laid on 12 March 2025. I have considered the recommendations made and have responded to each one in the accompanying report.

On the matter of scrutiny as set out in Conclusion 1, I appreciate the concerns of the Committee regarding the need to have sufficient time to scrutinise LCMs properly, particularly where the two-week period has been exceeded. I am also aware that amendments tabled during the recent report stage of the Bill left the Senedd with less than usual reporting opportunity. However, I remain committed to enabling efficient discharge of the legislative consent process and I am grateful for the engagement by UK Government which enabled us to move quickly with the laying of SLCMs No.3 and No.4.

Yours sincerely,

**Rebecca Evans AS/MS**  
**Cabinet Secretary for Economy, Energy and Planning**  
**Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio**

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Correspondence.Rebecca.Evans@gov.wales](mailto:Correspondence.Rebecca.Evans@gov.wales)  
[Gohebiaeth.Rebecca.Evans@llyw.cymru](mailto:Gohebiaeth.Rebecca.Evans@llyw.cymru)

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.



# Report on the Legislative Consent Memoranda on the Data (Use and Access) Bill

## Response to the ETRA Committee report (May 2025)

17/06/2025

In May 2025, the Economy, Trade and Rural Affairs (ETRA) Committee laid its report on the Welsh Government's Legislative Consent Memoranda on the Data (Use and Access) Bill. The report includes three recommendations.

This is the Welsh Government's response to the recommendations in the report.

# Contents

<b>1. Introduction .....</b>	<b>3</b>
<b>2. Response to the recommendations .....</b>	<b>5</b>
Recommendation 1 .....	5
Recommendation 2 .....	5
Recommendation 3 .....	6

## 1. Introduction

The Data (Use and Access) Bill was introduced in the House of Lords on 23 October 2024. It completed its passage through the House of Lords on 5 February 2025 and was introduced into the House of Commons on 6 February 2025. At the time of publication, the Bill was in the stage of consideration of amendments ('Ping Pong').

The Bill has been designed to achieve three policy objectives by the UK Government namely, to harness the power of data for economic growth, support a modern digital government, and improve people's lives.

It was the view of both the Welsh and UK Governments that the Bill required the legislative consent of the Senedd. To this end a Legislative Consent Memorandum (LCM) was laid in the Senedd on 2 January 2025.

The LCM stated that whilst the Welsh Government was supportive of the policy intent behind the Bill, there remained concerns from a constitutional perspective with several provisions in the Bill. Therefore, further engagement was required with the UK Government on the role of the Welsh Ministers and the Senedd within the Bill on these matters. As a result, the LCM did not provide a recommendation as to whether the Senedd should give consent to this Bill.

A Supplementary LCM (SLCM) No.2 was subsequently laid on 12 March 2025 in respect of UK Government amendments tabled on the Bill on 26 February 2025. As discussions with the UK Government regarding constitutional concerns were still ongoing at that time, LCM No.2 stated further engagement was required with the UK Government on the role of the Welsh Ministers and the Senedd within the Bill before a recommendation could be given on whether the Senedd should give consent to this Bill.

Following positive discussions between the two governments, amendments were tabled on 25 March 2025 by the UK Government at Report Stage in the House of Commons. As a result, in SLCM No.3 laid on 3 April 2025, the Cabinet Secretary for Economy, Energy and Planning recommended that the Senedd supported the Bill and gave its consent.

SLCM No.4 was laid on 28 April 2025 following further UK Government Report Stage amendments, tabled on the same day.

On 6 May 2025, the Legislative Consent Motion debate on the Bill was held in the Senedd. The Senedd voted to agree the motion and consent to the Bill.

SLCM No.5 was laid on 16 May 2025 following further UK Government amendments tabled on 8 May 2025 during Ping Pong stage.

The Welsh Government has set out its response to the individual recommendations in the Committee's report below.

## 2. Response to the recommendations

### **Recommendation 1**

The Committee recommends that

The Welsh Government should continue discussions with the UK Government regarding the Bill and the UK's EU Data Adequacy decision, including continued requests for the UK Government to share its risk assessment.

#### **Response:**

Agree

The Welsh Government will continue to engage with the UK Government in relation to the Bill and EU-UK data adequacy decisions through the appropriate inter-governmental channels.

### **Recommendation 2**

The Committee recommends that

The Welsh Government should provide regular updates to this Committee on its discussions with the UK Government on EU Data Adequacy and any implications the Bill may have on trade until the UK's adequacy status beyond December 2025 is secured.

#### **Response:**

Agree

The Welsh Government will provide updates on these matters to the Committee as part of general Ministerial scrutiny meetings, which take place regularly. Further updates will be provided at other times, as and when there is anything significant to report.

### **Recommendation 3**

The Committee recommends that

The Cabinet Secretary should, during the Plenary debate on the Legislative Consent Motion, explain how her recommendation for consent for the Bill reconciles with the Welsh Government's concerns about the loss of EU Data Adequacy.

#### **Response:**

Agree

The Cabinet Secretary for Economy, Energy and Planning set out the Welsh Government's position on data adequacy concerns in relation to consent for the Bill during the Legislative Consent Motion debate on 6 May 2025.