



Department for
Science, Innovation
& Technology

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1st March 2024

Dear Mark,

Thank you for your letter of 14 November 2023, to the Secretary of State for Science, Innovation and Technology, regarding the Data Protection and Digital Information (DPDI) Bill. I am responding as Minister of State to the Department with regards to the Data Protection and Digital Information (DPDI) Bill.

I would like to start by thanking both the First Minister and Welsh Government officials for their diligent work in engaging with the UK Government on these provisions already.

I am glad you agree that the DPDI Bill is an essential piece of legislation. It will make the UK's data laws among the most effective in the world, by maintaining high data protection standards while making common sense changes to put in place a pro-growth, innovation friendly data protection framework that will ensure that our regulation reflects the way real people live their lives and run their businesses. It will also enable the better use of data in health and adult social care, law enforcement and security across the UK, which will help all of those who use data to make our citizens' lives healthier, safer, and more prosperous.

My officials are currently engaging with their Welsh Government Official counterparts about a package of targeted changes to the DPDI Bill, which we would consider making, if you deemed them sufficient for the Welsh Government to be able to recommend consent to the bill in the Senedd. I look forward to your reply on this matter. I understand that your officials are advising you separately on this package.

In addition to this ongoing engagement, I would like to respond to the following specific issues set out in your letter:

Legislative consent and powers for Welsh Ministers (DVS)

You specifically referenced Part 2 of the DPDI Bill which the UK Government maintains is reserved under the Internet Services reservation. I am aware that the Welsh Government contests UK Government analysis with regard to certain measures in Part 2. I have written to you separately on this matter, on 6th February 2024, and I hope we may reach an agreed position. Alongside this, our officials remain in close on-going discussions to resolve these outstanding matters on the provisions in Part 2.

Proposed order making power and the exclusion of devolved authorities

Regarding the issue of reducing the burden on police to redact case files when sending them to CPS as part of the charging decision process and any possible order making power to this effect, the UK Government is still considering its approach. My officials continue to engage with



the Home Office to work through this matter, and will ensure that Welsh officials are informed of any further developments in this space.

Retention of EU data adequacy

I completely understand the strength of your concerns about ensuring our EU adequacy decisions are maintained. This is also a priority for the UK Government, as I and my fellow ministers have repeatedly made clear in public and on the floor of the House.

The UK Government's assessment of the reforms in the DPDI Bill is that they are compatible with maintaining adequacy. We maintain an ongoing dialogue with the EU and have a positive, constructive relationship. We have been proactively engaging with the European Commission since the start of the Bill's consultation process to ensure that they understand our reforms.

The European Commission itself recognises that countries can have independent data protection regimes and still succeed in maintaining high data protection standards. In January the EU published its review of 11 adequacy decisions (including those for New Zealand and Canada), which confirms that countries with independent approaches to data protection remain adequate. Even after our reform, the UK will continue to have one of the closest data protection regimes to the EU in the world. I would draw your attention to the similar [statements](#) made by the independent Information Commissioner, in his response to the DPDI Bill.

With regards to your request for us to share the details of our risk assessment with you, I must unfortunately decline. You will appreciate, it is important that officials have the ability to conduct candid discussions during the policy making process.

However, I would like to reassure you once again that the UK Government takes the matter of retaining our adequacy decisions incredibly seriously, as I know the Welsh Government does. To help provide as much information as possible on our approach, I have instructed my officials to host regular verbal briefings on this matter with Welsh Government counterparts. I understand the first of these has already taken place and I welcome and encourage their continuation.

Our officials have continued to engage regularly and are working closely to reach agreement on these provisions. With the outlined points above and our on-going discussions, I am confident that our governments can work collaboratively on this vital legislation, and hope that we can reach an agreed position on the Bill.



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