



Llywodraeth Cymru  
Welsh Government

PUBLICATION, DOCUMENT

# Adding Bodies to existing Welsh Language Standards Regulations

We want your views on adding bodies to Schedule 6 to the Welsh Language (Wales) Measure 2011 and amending existing Welsh Language Standards Regulations to specify Welsh language standards for additional bodies.

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# Overview

This consultation seeks views on adding some bodies to Schedule 6 to the Welsh Language (Wales) Measure 2011 and amending some existing Welsh Language Standards Regulations ('Regulations') to specify Welsh language standards for additional bodies. This would involve amending four sets of existing Regulations so that an additional 6 public bodies and 1 category of persons may be subject to Welsh Language Standards. This will enable the Welsh Language Commissioner to place duties in relation to the Welsh language on these bodies.

We are holding this consultation to ensure that everyone with an interest has an opportunity to have their say on this proposal.

## Ministerial Foreword

The Welsh Government is committed to increasing the use of our language, the Welsh language. Welsh language standards ('Standards') serve as an important contribution to our Cymraeg 2050 strategy by increasing the provision of Welsh language services and enabling people greater opportunities to use the Welsh language in their daily lives. Standards also introduce duties on bodies to provide more Welsh language services to their employees, and help bodies increase the use of Welsh in their administration.

The Cooperation Agreement between the Welsh Government and Plaid Cymru made a clear commitment to developing Standards for more sectors and bodies before the end of the current Senedd term. Over 120 bodies are currently required to comply with Standards. During this Senedd term, Welsh Language Standards Regulations ('Regulations') have already been approved for healthcare regulators and for water and sewerage undertakers who provide

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services to members of the public in Wales. In addition, legislation establishing the Corporate Joint Committees and the Commission for Tertiary Education and Research has also included these bodies within existing Regulations. This means that they can also be required to comply with Standards.

I now intend to turn my attention to bringing additional public bodies under the Welsh language standards system. I intend to achieve this by adding additional bodies to existing Regulations, having considered which set of existing Regulations is most appropriate for each individual body. By the end of this Senedd term, we are committed to making Regulations for housing associations and the transport sector, and I look forward to taking that work forward.

Since becoming responsible for the Welsh language, I have emphasised that my priority is to see more people using the Welsh language. I want the Welsh language standards system to help us reach that aim. I want the Standards to give the public the confidence to use their Welsh language skills however they choose to communicate with these public bodies, and I expect the Standards to formalise and enhance the Welsh language offering already provided by many of these organisations to help facilitate and increase the use of Welsh.

I look forward to receiving your views on these proposals and will give them full consideration.

**Jeremy Miles MS**

**Cabinet Secretary for Economy, Energy and Welsh Language.**

## **1. Introduction**

1.1 Since 2015, the Welsh Ministers have been preparing and made a series of Welsh Language Standards Regulations ('Regulations') under the Welsh Language (Wales) Measure 2011 ('the Measure'). The Welsh Language

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Standards ('Standards') give Welsh speakers enforceable rights to use the Welsh language when dealing with bodies. Eight sets of Regulations have been made to date with over 120 bodies implementing Standards within those Regulations.

1.2 The first proposal within this consultation is that 3 bodies be added to Schedule 6 to the Measure, and that those bodies, an additional 3, and a category of persons be added to existing Regulations, as follows:

### **Welsh Revenue Authority**

- Welsh Language Standards (No.1) Regulations 2015

### **Boundary Commission for Wales**

- Schedule 6 to the Welsh Language (Wales) Measure 2011
- Welsh Language Standards (No.2) Regulations 2016

### **Future Generations Commissioner for Wales**

- Schedule 6 to the Welsh Language (Wales) Measure 2011
- Welsh Language Standards (No.2) Regulations 2016

### **Trustees of the National Heritage Memorial Fund (more commonly known as 'National Lottery Heritage Fund')**

- Welsh Language Standards (No.2) Regulations 2016

## Qualifications Wales

- Welsh Language Standards (No.2) Regulations 2016

## Adjudication Panel Wales

- Schedule 6 to the Welsh Language (Wales) Measure 2011
- Welsh Language Standards (No.4) Regulations 2016

## Special Health Authorities

1.3 The second proposal is to amend the Welsh Language Standards (No.7) Regulations 2018 to include Special Health Authorities as a category of persons that may be subject to Standards within those Regulations. The following Special Health Authorities currently provide services in Wales, but are not covered by Standards: Health Education and Improvement Wales, Digital Health and Care Wales, NHS Blood and Transplant, and the NHS Business Authority.

1.4 Adding the bodies and category of persons to the Regulations will not in itself impose duties on them. The Measure provides that, in order to be liable to comply with Standards, a body or category of persons must fall within those listed in Schedules 5 and 6 or Schedules 7 and 8 to the Measure, and the category of standard potentially applicable to them is shown against their entry in Schedule 6 or 8. Standards are specifically applied to a body or category of persons by the Regulations. Once a body or category of persons is specified in the Regulations, the Welsh Language Commissioner ('the Commissioner') can then issue a compliance notice which requires them to comply with the Standards specified within the notice.

1.5 Through this consultation, we want to hear from anyone with an interest in

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the proposals, in the use of the Welsh language by the individual bodies named above, and by Special Health Authorities. This consultation will be open for a period of 15 weeks and will close on 7 October 2024. This ensures that members of the public, the bodies that it is proposed will become subject to these existing Regulations, and other interested stakeholders have an opportunity to have their say.

1.6 Respondents are welcome to make comments on any aspect of the proposals.

## 2. Background

2.1 The Cooperation Agreement between the Welsh Government and Plaid Cymru, which was agreed in November 2021, made a commitment to develop Standards for more sectors and bodies. As part of the Cooperation Agreement, Standards were made for healthcare regulators in July 2022, and for water and sewerage companies in September 2023. Another commitment within the Cooperation Agreement was to bring newly established public bodies under the Standards. The proposals within this consultation contribute towards achieving these aims, and also seek to include within the Regulations some bodies that were already established at the time they were made but were not included at that time.

2.2 Paragraph 1.2 of this consultation document lists 6 bodies we propose to add to existing Regulations, and notes which specific set of regulations we propose to add them to.

2.3 Paragraph 1.3 of this consultation document lists the category of persons we propose to include in the Welsh Language Standards (No.7) Regulations 2018.

2.4 Some of these bodies already deliver services in accordance with their

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Welsh Language Schemes. Being included within the Standards system will enable bodies to build on those Schemes and will give users more enforceable rights when dealing with the bodies. Bodies required to comply with the Standards will be under a duty to take a more proactive, strategic approach to mainstreaming the Welsh language. We are confident that the Regulations provide a solid foundation, which enable the Commissioner to impose Standards in a pragmatic way that will continually improve Welsh language services for Welsh speakers.

## The process: how do Standards work

2.5 Each set of standards in the Regulations has been prepared to reflect the way that the bodies subject to each of them delivers services and undertakes activities. This has been taken into account when considering which set of the Regulations is most appropriate for each of the 6 individual bodies and the Special Health Authorities.

2.6 Before a body must comply with a standard, these conditions must be met:

- the body must fall within a category, and/or be listed, in Schedules 5 and 6 (or Schedule 7 and 8) to the Measure, and be potentially liable to comply with a standard (meaning it is shown against their name or category in Schedule 6 or 8)
- the standard must have been made specifically applicable to the body. This means that the Welsh Ministers have, in regulations, authorised the Commissioner to give a compliance notice to the body requiring it to comply with the standard
- the Commissioner has given a compliance notice to the body which requires it to comply with the standard, and that compliance notice is in force

2.7 Each set of the Regulations sets out the standards that can be specifically applicable to bodies. The standards come under 5 headings ('categories of

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standards'). The following categories of standards are included within all of the four sets of Regulations that we propose to amend:

## **Service delivery standards**

Relate to the delivery of services in order to promote or facilitate the use of the Welsh language, or to ensure that it is treated no less favourably than English. All four sets of the Regulations include service delivery standards which relate to the following activities:

- Correspondence
- Telephone calls
- Documents and forms
- Meetings
- Public events
- Publicity and advertising
- Displaying material in public
- Websites and on-line services
- Using social media
- Signs and notices
- Receiving visitors
- Awarding grants
- Awarding contracts
- Raising awareness about Welsh language services
- Corporate identity
- Courses
- Public address systems

Some sets of the Regulations also have additional service delivery standards. For example, the No.4 Regulations has standards in relation to legal proceedings (standards 48 to 51), the No.7 Regulations has service delivery standards in relation to in-patients and case conferences (standards 23 to 25),

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and standards relating to primary care (standards 65 to 68).

## **Policy making standards**

Require bodies to consider what effect their policy decisions will have on the ability of persons to use the language and on the principle of treating Welsh no less favourably than English. The No.7 Regulations has some additional policy making standards relating to publishing a policy on providing a primary care service (standards 78 to 78A).

## **Operational standards**

Deal with the internal use of Welsh by bodies. If operational standards are imposed on a body, that body will be expected to increase the opportunities to use Welsh in their internal arrangements. The No.7 Regulations has some additional operational standards relating to a plan dealing with offering to carry out clinical consultations in Welsh (standards 110 to 110A).

## **Record keeping standards**

Make it necessary to keep records about some of the other standards, and about any complaints received by a body about compliance with standards. These records will assist the Commissioner in regulating the body's compliance with Standards.

## **Supplementary standards**

Deal with various matters including the production of an annual report, monitoring arrangements and the provision of information to the Commissioner.

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2.8 The No.1 Regulations also have an additional category of standards, namely promotion standards. These standards are intended to promote or facilitate the use of the Welsh language more widely.

## **3. Amending existing regulations**

### **Amendments to the Welsh Language Standards (No.1) Regulations 2015**

3.1 The No.1 Regulations came into force on 31 March 2015. They currently apply to local authorities, national park authorities and Welsh Ministers. The proposal in this consultation is to amend the No.1 Regulations to include the Welsh Revenue Authority ('the WRA').

3.2 The WRA's general function and responsibility is to collect and manage the Land Transaction and the Landfill Disposal devolved taxes. Within this context, the overall purpose of the WRA is to design and deliver Welsh national revenue services and lead the better use of Welsh taxpayer data for Wales. The WRA is already effectively providing Welsh language services based on standards within the No.1 Regulations. Taking this into account we consider that including the body in the No.1 Regulations is the approach that is most likely to cause the least disruption to the body and its users.

3.3 The WRA falls within a category listed in Schedule 6 to the Measure, namely that it is a body exercising, on behalf of the Crown, functions conferred by or under an Act or Measure. It is not however listed within Schedule 6 to the No.1 Regulations. In order for the standards within the No.1 Regulations to be made specifically applicable to the body, an Order will be laid to include the body to Schedule 6 to the No.1 Regulations.

3.4 Promotion standards cannot be made potentially applicable to the WRA

unless consent is given by the WRA (section 38 of, and Schedule 6 to, the Measure stipulates that promotion standards can only apply to Welsh Ministers, local authorities, and National Parks or those who consent). Welsh Ministers do not propose to seek such consent. The proposed amendments to the No. 1 Regulations would therefore include a provision to disapply the promotion standards in the No. 1 Regulations as regards the WRA, therefore not authorising the Commissioner to require the WRA to comply with the promotion standards.

## **Amendments to the Welsh Language Standards (No.2) Regulations 2016**

3.5 The No.2 Regulations came into force on 16 February 2016. They currently apply to some general public bodies who operate in Wales and across the UK. The proposal is to amend the No.2 Regulations to include:

- Boundary Commission for Wales
- Future Generations Commissioner for Wales
- Trustees of the National Heritage Memorial Fund
- Qualifications Wales

3.6 All four bodies are considered to share similar characteristics and provide similar services to other bodies which are already subject to the No.2 Regulations. They also work closely with bodies that are already subject to Standards in the No.2 Regulations. In addition, three of the four bodies have already committed to providing Welsh language services in accordance with a Welsh language scheme. The Future Generations Commissioner for Wales is the only body of the four not to have a Welsh language scheme. However, they provide many services in Welsh. We propose to make all of the Standards within in the No.2 Regulations specifically applicable to the four bodies. It will then be a matter for the Commissioner to decide which Standards to include within a compliance notice.

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3.7 The Trustees of the National Heritage Memorial Fund and Qualification Wales are already listed in Schedule 6 to the Measure, the Future Generations Commissioner for Wales and Boundary Commission for Wales are currently not listed.

3.8 For Standards within the No.2 Regulations to be made specifically applicable to the four bodies listed in paragraph 3.5:

- the Future Generations Commissioner for Wales and Boundary Commission for Wales will need to be added to Schedule 6 to the Measure
- all four bodies will need to be added to Schedule 6 to the No.2 Regulations

## **Amendments to the Welsh Language Standards (No.4) Regulations 2016**

3.9 The No.4 Regulations came into force on 22 March 2016. They currently apply to Welsh tribunals, Education Workforce Council and Social Care Wales. The proposal is to amend the No.4 Regulations to include the Adjudication Panel for Wales.

3.10 Similar to many bodies already subject to the No.4 Regulations, the Adjudication Panel for Wales ('the Panel') is a tribunal. The Panel is administered by Welsh Government officials within the Tribunals Unit. The Panel provides services which would be covered by the existing Standards in the No. 4 Regulations. We propose to make all of the Standards in the No.4 Regulations specifically applicable to the Panel. It will then be a matter for the Commissioner to decide which Standards to include within a compliance notice.

3.11 The Panel is not currently listed in Schedule 6 to the Measure. To enable the body to be subject to the same Standards as other tribunals it will need to be added to Schedule 6 to the Measure, and then to Schedule 6 to the No.4 Regulations.

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## Amendments to the Welsh Language Standards (No.7) Regulations 2018

3.12 The No.7 Regulations came into force on 29 June 2018. They currently apply to Local Health Boards, NHS Health Trusts in Wales and Citizen Voice Body for Health and Social Care ('Llais'). The proposal is to amend the No.7 Regulations to include Special Health Authorities as a category of persons that may be subject to those regulations.

3.13 We are aware that Health Education and Improvement Wales, Digital Health and Care Wales, NHS Blood and Transplant and NHS Business Services Authority are Special Health Authorities that are not currently required to comply with Standards but provide services to people in Wales. These bodies often support other health bodies in Wales and are considered to have a key role in how health boards and trusts function in Wales, whether that be in training and developing the healthcare workforce, providing national programmes and systems, or providing services directly to the public and patients. It is on this basis that we propose to include them within the No.7 Regulations. Health Education and Improvement Wales, Digital Health and Care Wales and NHS Blood and Transplant already have a Welsh language scheme.

3.14 The No. 7 Regulations make Standards specifically applicable to categories of bodies, for example, "Local Health Boards" and "National Health Service Trusts". Individual Health Boards are not named in the Regulations. We propose to follow this precedent and add "Special Health Authorities" as a category to Schedule 6 to the No. 7 Regulations as opposed to naming Special Health Authorities individually. This approach will future proof the Regulations and allow the Commissioner to impose Standards on any new Special Health Authorities that may be created in the future that provide services in relation to Wales. The Commissioner would be able to do that without Welsh Ministers having to add that specific body to the No. 7 Regulations.

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3.15 We recognise that the services delivered by Special Health Authorities vary from one body to the next. It will be a matter for the Commissioner to decide which Standards will be reasonable to include within a compliance notice, and will need to consult with the particular SHA prior to issuing a compliance notice. We are particularly interested in seeking your views on adding Special Health Authorities to the No.7 Regulations.

3.16 Special Health Authorities are already listed within Schedule 6 to the Measure. To enable them to be subject to Standards they will need to be added to Schedule 6 to the No.7 Regulations.

## 4. Compliance notices

4.1 Regulations set out the range of Standards which can be imposed on a body. The Commissioner does not have to require every body named in the Regulations to comply with every Standard specifically applicable to them.

4.2 The Commissioner has flexibility in choosing which Standards, and the extent to which, a body must comply. The Commissioner also sets the date by which the body is required to comply with a Standard. The Commissioner sets out that information in a compliance notice which is given to the body.

4.3 The Commissioner will therefore have several options when it comes to imposing Standards on a body. A body may have to comply with a Standard only in some circumstances and not in others (depending on what is appropriate for them). The Commissioner cannot impose a compliance date which is less than 6 months from the date of issuing the compliance notice. However, the Commissioner may impose a later compliance date depending on what is reasonable and proportionate for the body.

4.4 A body will be able to challenge the requirement upon it to comply with a

particular Standard on the grounds that it considers it is not reasonable and proportionate for it to imposed on it.

4.5 In the first instance, a body will be able to present a challenge to the Commissioner, asking the Commissioner to determine whether the requirement upon it to comply with a particular Standard in the compliance notice is reasonable and proportionate. If they are unable to resolve the dispute, there is a route of appeal available to the Welsh Language Tribunal, and thereafter to the High Court (on a question of law).

## 5. Regulatory Impact Assessment (RIA)

5.1 The purpose of the RIA is to help the Welsh Ministers consider the impact of proposed regulations and to consider the costs and benefits of all options available to them before implementing a policy. It is also a means of presenting for scrutiny evidence on the positive and negative effects of policies.

5.2 Whilst some bodies subject to the proposed amendments to the No.1, No.2, No.4 and No.7 Regulations may have previously been asked to take part in a Welsh Government Regulatory Impact Assessment (RIA) on being included in the Regulations, most have not. We also acknowledge that any previous RIA may have been completed some time ago. We would therefore like to receive updated information from those bodies so that we can prepare a RIA that is as accurate as possible.

5.3 For this reason, all bodies who are or may be subject to the proposed amendments to the Regulations are asked to complete the questions in the RIA form published on the website. Please note that the RIA form does not apply to anyone other than the bodies who are or may be subject to the proposed amendments.

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## How to respond

5.4 The form should be completed and returned via email or post by 7 October 2024. Should you have any problems, please contact:

[Cymraeg2050@gov.wales](mailto:Cymraeg2050@gov.wales).

## Consultation Questions

Please use the consultation response form published on the website to respond to these questions. 'Relevant regulations' in the below questions refers to Welsh Language Standards (No.1, No.2, No.4, and No.7) Regulations.

1. Do you agree with the proposals set out in paragraph 1.2 of the consultation document? If not, is there another set of existing Welsh language standards regulations that might be more appropriate for a body?
2. Do you agree with the proposal set out in paragraph 1.3 of the consultation document? If not, is there another set of existing Welsh language standards regulations that might be more appropriate for special health authorities?
3. Do you have any comments on the service delivery standards within the relevant regulations? (Please note to which body or set of regulations your comments refer to)
4. Do you have any comments on the policy making standards in the relevant regulations? (Please note to which body or set of regulations your comments refer to)
5. Do you have any comments on the operational standards in the relevant regulations? (Please note to which body or set of regulations your comments refer to)

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refer to)

6. Do you have any comments on the record keeping standards and standards dealing with supplementary matters in the relevant regulations? (Please note to which body or set of regulations your comments refer to)
7. What, in your opinion, would be the likely effects of amending the relevant Welsh language standard regulations on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.  
Do you think that there are opportunities to promote any positive effects?  
Do you think that there are opportunities to mitigate any adverse effects?
8. In your opinion, could any of the proposals be formulated or changed so as to:
  - have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English or
  - mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?
9. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use response form to report them.

## **UK General Data Protection Regulation (UK GDPR)**

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory

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powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (for example, a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response, then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

## Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data

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- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below:

Data Protection Officer:

Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

Email: [data.protectionofficer@gov.wales](mailto:data.protectionofficer@gov.wales)

The contact details for the Information Commissioner's Office are:

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Tel: 01625 545 745 or 0303 123 1113

Website: [Information Commissioner's Office website](#)

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