

# **WELSH LANGUAGE (WALES) MEASURE 2011**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 118 – Reports***

245. The Commissioner is not under a duty to produce a report when he or she concludes an investigation. If the Commissioner considers in a particular case that the appropriate action is to share his or her conclusions with P and D only, he or she is able to do that.
246. However, subsection (2) provides that the Commissioner may produce a report to be given to the Welsh Ministers on any application (not only ones which he or she has investigated) made to him or her under section 111, and on the action taken by him or her in response to that application. If such a report is produced, subsection (3) places a duty upon the Commissioner to give a copy to P and D.
247. Where the Commissioner has produced a report to the Welsh Ministers under subsection (2), subsection (4) allows the Commissioner to publish that report or, alternatively, another related document. He or she may publish a version of their report (for example, a summary version or one which anonymises the parties mentioned in it), or another document which relates to the report's subject matter.
248. Subsections (5) to (8) set out the requirements which must be met in order for the Commissioner to publish any document under subsection (4). Both P and D must agree to the publication of a document or, if their agreement has not been obtained, the Commissioner must consider that publication is in the public interest. In considering whether it is in the public interest, the Commissioner must take account of the interests of P, D and any other appropriate person. If in any case the Commissioner decides that D did not interfere with the freedom to use Welsh as defined in section 113, the Commissioner is prohibited from identifying D in any document which he or she publishes under subsection (4).