

OFFERYNNAU STATUDOL CYMRU

2018 Rhif 551 (Cy. 93)

DATGELU GWYBODAETH, CYMRU

**Rheoliadau Llywodraethu Digidol
(Cyrff Cymreig) (Cymru) 2018**

Gwnaed - - - - 25 Ebrill 2018
Yn dod i rym - - 26 Ebrill 2018

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 35(3), 36(5)(a), 38(5)(a), 44(2)(b), 48(5), 54(2)(b), 56(6) a 62(2)(b) o Ddeddf yr Economi Ddigidol 2017(1) (“y Ddeddf”), yn gwneud y Rheoliadau a ganlyn.

Mae Gweinidogion Cymru wedi ymgynghori â'r Comisiynydd Gwybodaeth, Comisiynwyr Cyllid a Thollau Ei Mawrhydi, Gweinidogion yr Alban, Adran Gyllid Gogledd Iwerddon, y Gweinidog dros Swyddfa'r Cabinet, ac unrhyw bersonau eraill y mae Gweinidogion Cymru yn ystyried eu bod yn briodol, fel sy'n ofynnol gan adrannau 44(4), 48(11) a 56(12) o'r Ddeddf.

Yn unol ag adrannau 35(6), 36(8), 38(8), 48(10) a 56(11) o'r Ddeddf, mae Gweinidogion Cymru wedi rhoi sylw i'r systemau a'r gweithdrefnau ar gyfer trin gwybodaeth yn ddiogel gan y personau y cyfeirir atynt yn yr Atodlen i'r Rheoliadau hyn.

Gosodwyd drafft o'r Rheoliadau hyn gerbron Cynulliad Cenedlaethol Cymru o dan adrannau 44(9), 54(6) a 62(6) o'r Ddeddf, ac fe'i cymeradwywyd drwy benderfyniad gan Gynulliad Cenedlaethol Cymru.

Enwi, cychwyn a dehongli

- 1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Llywodraethu Digidol (Cyrff Cymreig) (Cymru) 2018.
- (2) Daw'r Rheoliadau hyn i rym ar 26 Ebrill 2018.
- (3) Yn y Rheoliadau hyn ystyr “y Ddeddf” yw Ddeddf yr Economi Ddigidol 2017.

Diwygio Atodlenni 4, 5, 6, 7 ac 8

2. Mae Atodlen 4 (cyflenwi gwasanaethau cyhoeddus: personau penodedig at ddibenion adran 35) i'r Ddeddf wedi ei diwygio yn unol â pharagraff 1 o'r Atodlen.
3. Mae Atodlen 5 (cyflenwi gwasanaethau cyhoeddus: personau penodedig at ddibenion adrannau 36 a 37) i'r Ddeddf wedi ei diwygio yn unol â pharagraff 2 o'r Atodlen.

(1) 2017, p. 30. Gweler adrannau 45(1), 55(1) a 63(1) i gael y diffiniadau o “appropriate national authority”.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

4. Mae Atodlen 6 (cyflenwi gwasanaethau cyhoeddus: personau penodedig at ddibenion adrannau 38 a 39) i'r Ddeddf wedi ei diwygio yn unol â pharagraff 3 o'r Atodlen.
5. Mae Atodlen 7 (personau penodedig at ddibenion y darpariaethau dyledion) i'r Ddeddf wedi ei diwygio yn unol â pharagraff 4 o'r Atodlen.
6. Mae Atodlen 8 (personau penodedig at ddibenion y darpariaethau twyll) i'r Ddeddf wedi ei diwygio yn unol â pharagraff 5 o'r Atodlen.

25 Ebrill 2018

Julie James
Arweinydd y Tŷ a'r Prif Chwip, un o
Weinidogion Cymru

YR ATODLEN

Rheoliadau 2,3, 4, 5 a 6

Diwygiadau i Atodlenni 4, 5, 6, 7 ac 8

1.—(1) Mae Atodlen 4 i'r Ddeddf wedi ei diwygio yn unol ag is-baragraffau (2) i (4).

(2) Ar ôl pennawd yr Atodlen mewnosoder—

“PART 1

UK AND ENGLISH BODIES”.

(3) Ym mharagraff 28, ar ôl y gair “who” mewnosoder—

“—

(a) falls within this Part of this Schedule; and

(b)”.

(4) Ar ôl paragraff 28 mewnosoder—

“PART 2

WELSH BODIES

29. The Welsh Ministers.

30. The Counsel General to the Welsh Government.

31. The Welsh Revenue Authority.

32. A county council in Wales.

33. A county borough council in Wales.

34. A community council in Wales.

35. A Community Health Council in Wales.

36. A Local Health Board established under section 11 of the National Health Service (Wales) Act 2006.

37. An NHS Trust established under section 18 of the National Health Service (Wales) Act 2006.

38. The Board of Community Health Councils in Wales.

39. A Special Health Authority established under section 22 of the National Health Service (Wales) Act 2006.

40. A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004, or a scheme to which section 4 of that Act applies, for an area in Wales.

41. Career Choices Dewis Gyrfa Ltd (company number 07442837, operating as Careers Wales).

42. The governing body of an educational establishment maintained by a Welsh local authority (within the meaning of section 162 of the Education and Inspections Act 2006).

43. The governing body of an institution in Wales within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992) whose activities are carried on, or principally carried on, in Wales.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

44. The governing body of an institution in Wales within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992) whose activities are carried on, or principally carried on, in Wales.

45. A regulated institution within the meaning of the Higher Education (Wales) Act 2015 (ignoring section 26 of that Act) other than an institution within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992).

46. The Natural Resources Body for Wales.

47. A registered social landlord being a body registered in the register maintained under section 1 of the Housing Act 1996.

48. A person providing services in connection with a specified objective (within the meaning of section 35) to a specified person who—

- (a) falls within this Part of this Schedule; and
- (b) is a public authority.”

2.—(1) Mae Atodlen 5 i'r Ddeddf wedi ei diwygio yn unol ag is-baragraffau (2) i (4).

(2) Ar ôl pennawd yr Atodlen mewnosoder—

“PART 1

UK AND ENGLISH BODIES”.

(3) Ym mharagraff 18, ar ôl y gair “who” mewnosoder—

“—

- (a) falls within this Part of this Schedule; and
- (b)”.

(4) Ar ôl paragraff 18 mewnosoder—

“PART 2

WELSH BODIES

19. The Welsh Ministers.

20. The Counsel General to the Welsh Government.

21. The Welsh Revenue Authority.

22. A county council in Wales.

23. A county borough council in Wales.

24. A community council in Wales.

25. A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004, or a scheme to which section 4 of that Act applies, for an area in Wales.

26. The Natural Resources Body for Wales.

27. A registered social landlord being a body registered in the register maintained under section 1 of the Housing Act 1996.

28. The governing body of an educational establishment maintained by a Welsh local authority (within the meaning of section 162 of the Education and Inspections Act 2006).

29. The governing body of an institution in Wales within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992) whose activities are carried on, or principally carried on, in Wales.

30. The governing body of an institution in Wales within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992) whose activities are carried on, or principally carried on, in Wales.

31. A regulated institution within the meaning of the Higher Education (Wales) Act 2015 (ignoring section 26 of that Act) other than an institution within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992).

32. A person providing services in connection with a fuel poverty measure (within the meaning of section 36) to a specified person who—

- (a) falls within this Part of this Schedule; and
- (b) is a public authority.”

3.—(1) Mae Atodlen 6 i'r Ddeddf wedi ei diwygio yn unol ag is-baragraffau (2) i (4).

(2) Ar ôl pennawd yr Atodlen mewnosoder—

“PART 1

UK AND ENGLISH BODIES”.

(3) Ym mharagraff 12, ar ôl y gair “who” mewnosoder—

“—

- (a) falls within this Part of this Schedule; and
- (b)”.

(4) Ar ôl paragraff 12 mewnosoder—

“PART 2

WELSH BODIES

13. The Welsh Ministers.

14. The Counsel General to the Welsh Government.

15. The Welsh Revenue Authority.

16. A county council in Wales.

17. A county borough council in Wales.

18. A community council in Wales.

19. A registered social landlord being a body registered in the register maintained under section 1 of the Housing Act 1996.

20. The Natural Resources Body for Wales.

21. The governing body of an educational establishment maintained by a Welsh local authority (within the meaning of section 162 of the Education and Inspections Act 2006).

22. The governing body of an institution in Wales within the further education sector (within the meaning of section 91(3) of the Further and Higher Education Act 1992) whose activities are carried on, or principally carried on, in Wales.

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

23. The governing body of an institution in Wales within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992) whose activities are carried on, or principally carried on, in Wales.

24. A regulated institution within the meaning of the Higher Education (Wales) Act 2015 (ignoring section 26 of that Act) other than an institution within the higher education sector (within the meaning of section 91(5) of the Further and Higher Education Act 1992).

25. A person providing services in connection with a water poverty measure (within the meaning of section 38) to a specified person who—

- (a) falls within this Part of this Schedule; and
- (b) is a public authority.”

4.—(1) Mae Atodlen 7 i'r Ddeddf wedi ei diwygio yn unol ag is-baragraffau (2) i (4).

(2) Ar ôl pennawd yr Atodlen mewnosoder—

“PART 1

UK AND ENGLISH BODIES”.

(3) Yn lle paragraff 17 rhodder—

“**17.** A person providing services to a specified person who —

- (a) falls within this Part of this Schedule; and
- (b) is a public authority,

in respect of the taking of action in connection with debt owed to a public authority or to the Crown.”

(4) Ar ôl paragraff 17 mewnosoder—

“PART 2

WELSH BODIES

18. The Welsh Ministers.

19. The Counsel General to the Welsh Government.

20. The Welsh Revenue Authority.

21. A county council in Wales.

22. A county borough council in Wales.

23. A community council in Wales.

24. A person providing services to a specified person who—

- (a) falls within this Part of this Schedule; and
- (b) is a public authority,

in respect of the taking of action in connection with debt owed to a public authority or to the Crown.”

5.—(1) Mae Atodlen 8 i'r Ddeddf wedi ei diwygio yn unol ag is-baragraffau (2) i (4).

(2) Ar ôl pennawd yr Atodlen mewnosoder—

“PART 1

UK AND ENGLISH BODIES”.

(3) Yn lle paragraff 41 rhodder—

- “**41.** A person providing services to a specified person who—
- (a) falls within this Part of this Schedule; and
 - (b) is a public authority,

in respect of the taking of action in connection with fraud against a public authority.”

(4) Ar ôl paragraff 41 mewnosoder—

“PART 2

WELSH BODIES

- 42.** The Welsh Ministers.
- 43.** The Counsel General to the Welsh Government.
- 44.** The Welsh Revenue Authority.
- 45.** A county council in Wales.
- 46.** A county borough council in Wales.
- 47.** A community council in Wales.
- 48.** A fire and rescue authority constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004, or a scheme to which section 4 of that Act applies, for an area in Wales.
- 49.** The Higher Education Funding Council for Wales.
- 50.** The Natural Resources Body for Wales.
- 51.** Arts Council of Wales.
- 52.** The Sports Council for Wales.
- 53.** The Royal Commission on Ancient and Historical Monuments in Wales.
- 54.** The National Library of Wales.
- 55.** A registered social landlord being a body registered in the register maintained under section 1 of the Housing Act 1996.
- 56.** A person providing services to a specified person who—
 - (a) falls within this Part of this Schedule; and
 - (b) is a public authority,in respect of the taking of action in connection with fraud against a public authority.”

Statws This is the original version (as it was originally made). Dim ond ar ei ffurf wreiddiol y mae'r eitem hon o ddeddfwriaeth ar gael ar hyn o bryd.

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

Mae Rhan 5 o Ddeddf yr Economi Ddigidol 2017 ("y Ddeddf") yn caniatáu i bersonau penodedig, a restrir yn yr Atodlenni i'r Ddeddf, rannu gwybodaeth at ddibenion penodol.

Mae'r Rheoliadau hyn yn diwygio Atodlenni 4, 5 a 6 (personau penodedig at ddibenion cyflenwi gwasanaethau cyhoeddus), Atodlen 7 (personau penodedig at ddibenion y darpariaethau dyledion) ac Atodlen 8 (personau penodedig at ddibenion y darpariaethau twyll) i'r Ddeddf. Mae'r Rheoliadau hyn yn ychwanegu personau sy'n gyrff Cymreig (fel y'u diffinnir yn y Ddeddf) at yr Atodlenni hynny er mwyn eu galluogi i ddefnyddio'r pwerau ym Mhennod 1 (cyflenwi gwasanaethau cyhoeddus), Pennod 3 (dyledion sy'n ddyledus i'r sector cyhoeddus) a Phennod 4 (twyll yn erbyn y sector cyhoeddus) o Ran 5 (Llywodraethu Digidol) o'r Ddeddf.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi yn

<http://www.assembly.wales/laid%20documents/sub-ld11466-em/sub-ld11466-em-e.pdf>