

# Welsh Government's Public Task Statement

## 18 July 2015

The Welsh Government is the devolved Government for Wales. This statement describes the Welsh Government's Public Task<sup>1</sup> for the purposes of the Re-Use of Public Sector Information Regulations 2015 (the Re-use Regulations).

Re-use means the use of public sector information for a purpose other than the initial purpose for which it was produced, held, collected or disseminated.

### 1. Background

The Welsh Government was established by the Government of Wales Act 2006 (GOWA 2006)<sup>2</sup> and consists of the following members:

- The First Minister;
- The Welsh Ministers;
- The Counsel General to the Welsh Government; and
- The Deputy Welsh Ministers.

It is supported by staff based in offices throughout Wales.

The Welsh Government is responsible for many areas of our daily life in Wales, in areas that have been devolved to it. The role of the Welsh Government in those devolved areas is to:

- Make decisions on matters regarding these areas, for Wales as a whole;
- Develop policies and implement them;
- Develop Welsh Laws.

### 2. Public Task

The Welsh Government exercises its functions (in other words, powers and duties) in areas which are devolved to it. Schedule 7 to GOWA 2006 categorises the existing areas of policy responsibility devolved to the Welsh Government into 20 broad areas. These areas known as 'subjects' include agriculture, culture, economic development, education, environment, local government health, planning, social care and transport.

Functions are not generally given to the Welsh Government in that name. Instead, functions are usually conferred on the members of the Welsh Government who carry out their functions on behalf of the crown. In practice most functions are held by the Welsh Ministers, which includes the First Minister for these purposes. Each Minister is allocated a portfolio consisting of the areas for which that Minister is responsible.

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<sup>1</sup> There are no definitive statements on what is meant by the term "public task" under the Re-use Regulations." In practice, it consists of information that a public sector body must produce, collect or provide to fulfil its core role and functions.

<sup>2</sup> Section 45 of GOWA 2006.

The functions of the Welsh Ministers are drawn from a number of different sources. These include:

- Acts of Parliament

Legislation passed by the UK Government can confer functions directly on the Welsh Ministers. For example, section 60 of GOWA 2006 which provides the Welsh Ministers with a power to do things to promote or improve the social, economic and environmental well-being of Wales.

- Measures and Acts passed by the National Assembly for Wales

Like Acts of Parliament these may confer functions on the Welsh Ministers.

- Designation Orders and legislation made under section 2(2) of the European Communities Act 1972

These give the Welsh Ministers the power to implement certain requirements of European law.

- Transfer of Function Orders

These are Orders in Council made by Her Majesty<sup>3</sup> which transfer functions from the UK Government to the Welsh Ministers.

### 3. Access and Licensing

The information that we collect and create is done so in accordance with our public task.

Unless the information is excluded by the Re-use Regulations, all information held by the Welsh Government is available for re-use. Examples of exclusions<sup>4</sup> include

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<sup>3</sup> Section 58 of GOWA 2006

<sup>4</sup> Exclusions

(1) These Regulations do not apply to a document where—

(a) the activity of supplying the document is one which falls outside the public task of the public sector body, provided that the scope of the public task of that body is transparent and subject to review; or

(b) a third party owns relevant intellectual property rights in the document.

(2) These Regulations do not apply to a document unless it—

(a) has been identified by the public sector body as being available for re-use;

(b) has been provided to the applicant; or

(c) is accessible by means other than by making a request for it within the meaning of the 1998 Act, the 2000 Act (or where appropriate the 2002 Act) or the 2004 Regulations (or where appropriate the 2004 Scottish Regulations).

(3) These Regulations do not apply to documents held by—

where a third party holds the copyright for the information or where access is restricted under other legislation such as the Data Protection Act 1998 and the Freedom of Information Act 2000.

Details of information that we have already published for re-use can be found on our website <http://gov.wales/?lang=en>. StatsWales <https://statswales.wales.gov.uk/Catalogue> is a free-to-use service that allows people to view, manipulate, create and download data from. We also make information available via social media platforms.

Permission to re-use previously unreleased information is subject to access issues being resolved. Requests for access and re-use<sup>5</sup> may be made simultaneously.

## Complaints

This statement is regularly reviewed. If you have any queries on this public task statement you can contact us. If you have a complaint about the Welsh Government under the Re-use Regulations, you can submit it using our general complaints handling process

[http://gov.wales/contact\\_us/makeacomplaint/complaintspolicy/?lang=en](http://gov.wales/contact_us/makeacomplaint/complaintspolicy/?lang=en).

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(a) public service broadcasters and their subsidiaries, and other bodies and their subsidiaries for the purposes of the provision of programme services or the conduct of any activities which a public service broadcaster is required or empowered to provide or to engage in by or under any enactment or other public instrument;

(b) educational and research establishments including organisations established for the transfer of research results, schools and universities (except university libraries); or

(c) cultural establishments, other than libraries, museums and archives.

(4) For the purposes of paragraph (3), “public service broadcaster” has the meaning given by section 264(12) of the Communications Act 2003(d), “subsidiary” has the meaning given by section 1159 of the Companies Act 2006(a) and “programme services” has the meaning given by section 405(1) of the Communications Act 2003.

(5) These Regulations do not apply in any situation in which a person is under a legal obligation to prove an interest in order to gain access to documents.

(6) These Regulations do not apply to parts of documents containing only logos, crests or insignia.

(7) These Regulations do not apply to—

(a) a document where access is excluded or restricted under information access legislation including on the grounds of protection of personal data, protection of national security, defence or public security, statistical confidentiality or commercial confidentiality (including business, professional or company secrets); or

(b) any part of a document which—

(i) is accessible under information access legislation; and

(ii) contains personal data the re-use of which would be incompatible with the law concerning the protection of individuals with regard to the processing of personal data.

<sup>5</sup> Request for re-use

6. A person who wishes to make a request for re-use must ensure that the request—

(a) is in writing;

(b) states the name of the applicant and an address for correspondence;

(c) specifies the document requested; and

(d) states the purpose for which the document is to be re-used.

## **Guidance on Re-use**

Guidance on re-use is available at

<http://www.nationalarchives.gov.uk/information-management/re-using-public-sector-information/psi-directive-transposition-and-re-use-regulations/>