



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2009 Rhif 2818 (Cy.244)

2009 No. 2818 (W.244)

YSTADEGAU SWYDDOGOL

OFFICIAL STATISTICS

Gorchymyn Gweld Ystadegau
Swyddogol cyn eu Rhyddhau
(Cymru) 2009

The Pre-release Access to Official
Statistics (Wales) Order
2009

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Order)

Mae'r Gorchymyn hwn yn nodi rheolau ac egwyddorion sydd i'w dilyn mewn perthynas â chaniatáu i bobl benodol weld mathau penodol o ystadegau ymlaen llaw cyn eu cyhoeddi'n swyddogol. Cyfeirir at y math hwn o gyfle i weld ystadegau yn y Gorchymyn hwn, ac yn y Ddeddf y mae'r Gorchymyn yn cael ei gwneud odani, fel gweld ystadegau cyn eu rhyddhau.

This Order sets out rules and principles to be followed in respect of allowing certain people to have advance sight of certain types of statistics before they are officially published. This type of access is referred to in this Order, and in the Act under which the Order is made, as pre-release access.

Mae'r Gorchymyn hwn yn cael ei wneud o dan adran 11 o Ddeddf Ystadegau a'r Gwasanaeth Cofrestru 2007 (p.18) ("y Ddeddf"). Mae'r adran honno'n caniatáu i'r "awdurdod priodol" ddarparu, at ddibenion y Cod Ymarfer ar gyfer Ystadegau o dan adran 10 o'r Ddeddf, ar gyfer rheolau ac egwyddorion ynglŷn â chaniatáu i ystadegau swyddogol gael eu gweld cyn eu rhyddhau.

This Order is made under section 11 of the Statistics and Registration Service Act 2007 (c.18) ("the Act"). That section allows the "appropriate authority" to provide, for the purposes of the Code of Practice for Statistics under section 10 of the Act, for rules and principles relating to the granting of pre-release access to official statistics.

Mae'r Cod Ymarfer ar gyfer Ystadegau o dan adran 10 o'r Ddeddf yn cael ei baratoi a'i gyhoeddi gan y Bwrdd Ystadegau ("*The Statistics Board*"). Effaith adran 11(1) o'r Ddeddf yw na chaniateir i'r Cod ei hun ymdrin â rheolau ac egwyddorion ynglŷn â chaniatáu i ystadegau gael eu gweld cyn eu rhyddhau. Mae'r rheolau a'r egwyddorion hynny i'w pennu drwy i'r awdurdod priodol wneud Gorchymyn o dan adran 11.

The Code of Practice for Statistics under section 10 of the Act is prepared and published by the Statistics Board ("*Y Bwrdd Ystadegau*"). The effect of section 11(1) of the Act is that the Code is not itself allowed to deal with rules and principles relating to the granting of pre-release access. Those rules and principles are to be set by the appropriate authority making an Order under section 11.

Mae adran 11(6)(c) o'r Ddeddf yn darparu mai Gweinidogion Cymru yw'r "awdurdod priodol" o ran ystadegau swyddogol sydd yn gyfan gwbl yn ystadegau datganoledig Cymru. Diffinnir "ystadegau swyddogol" yn adran 6(1) o'r Ddeddf a diffinnir "ystadegau datganoledig Cymru" yn adran 66(3).

Section 11(6)(c) of the Act provides that the Welsh Ministers are the "appropriate authority" in relation to official statistics that are wholly Welsh devolved statistics. "Official statistics" is defined in section 6(1) of the Act and "Welsh devolved statistics" is defined in section 66(3).

Diffinnir "gweld ystadegau cyn eu rhyddhau" o ran ystadegau swyddogol yn adran 11(8) ac mae'n golygu cael gweld yr ystadegau yn eu ffurf derfynol cyn eu cyhoeddi.

"Pre-release access" in relation to official statistics is defined in section 11(8) and means access to the statistics in their final form prior to publication.

Mae'r rheolau a'r egwyddorion y darperir ar eu cyfer gan y Gorchymyn wedi'u nodi yn yr Atodlen. Mae erthygl 3 o'r Gorchymyn yn darparu, yn ddarostyngedig i'r eithriad a nodir yn erthygl 3(4), fod yr Atodlen yn gymwys i ystadegau sy'n bodloni pob un o'r meini prawf, sef eu bod yn ystadegau swyddogol, yn gyfan gwbl yn ystadegau datganoledig Cymru a naill ai wedi'u dynodi'n Ystadegau Gwladol neu'n disgwyl penderfyniad a ydynt wedi'u dynodi'n Ystadegau Gwladol neu beidio. Mae'r eithriad yn erthygl 3(4) yn gymwys pan gaiff ystadegau eu rhyddhau dim ond er mwyn i'r cyhoeddiad y maent i'w cyhoeddi ynddo gael ei gynhyrchu.

Mae gan y Bwrdd Ystadegau y swyddogaeth o dan adran 12(2) o'r Ddeddf o ddynodi ystadegau swyddogol yn Ystadegau Gwladol. Cafodd y Bwrdd ei sefydlu gan y Ddeddf. Cyn i'r Bwrdd gael ei sefydlu a chyn i adran 12 gael ei chychwyn, y Swyddfa Ystadegau Gwladol oedd yn dynodi ystadegau swyddogol yn Ystadegau Gwladol. Mae adran 12(8) o'r Ddeddf yn darparu bod ystadegau swyddogol a ddynodwyd yn Ystadegau Gwladol cyn i adran 12 gael ei chychwyn i'w hystyried at ddibenion Rhan 1 o'r Ddeddf fel pe baent wedi'u dynodi'n Ystadegau Gwladol o dan adran 12(2).

Mae paragraff 1(1) o'r Atodlen yn darparu, yn ddarostyngedig i ddarpariaethau'r Gorchymyn, y caiff y person cyfrifol ganiatáu i ystadegau gael eu gweld cyn eu rhyddhau dim ond i'r graddau y mae o'r farn ei bod yn angenrheidiol rhoi caniatâd i'w gweld i unigolyn adnabyddadwy penodol er mwyn cyflawni diben sy'n un o'r dibenion a grybwyllir ym mharagraffau 1(1)(a) i (f). Mae'r "person cyfrifol" wedi'i ddiffinio yn adran 67 o'r Ddeddf.

Mae paragraff 1(2) yn darparu bod rhaid i'r person cyfrifol fod wedi'i fodloni, cyn caniatáu i ystadegau gael eu gweld cyn eu rhyddhau, fod trefniadau wedi'u gwneud i roi gwybod i'r unigolyn y mae'n caniatáu iddo weld yr ystadegau cyn eu rhyddhau ar ba sail ym mharagraffau 1(1)(a) i (f) y rhoddir y caniatâd iddo, a'r gofynion a nodir ym mharagraff 5 y bydd yr unigolyn yn dod odanynt.

Mae paragraff 1(3) yno at ddibenion ystyr paragraffau 1(1)(a) i (c).

Mae paragraff 2 yn darparu bod rhaid i'r person cyfrifol, pan fo'n caniatáu i ystadegau gael eu gweld cyn eu rhyddhau, roi'r caniatâd i unigolyn penodol a all gael ei adnabod. Er enghraifft, byddai caniatâd i "Brif Weinidog Cymru" yn bodloni'r gofyniad, ond fyddai caniatâd i "Gymdeithas Llywodraeth Leol Cymru" ddim yn ei fodloni.

Mae paragraff 3 yn ei gwneud yn ofynnol i'r person cyfrifol sicrhau, pan fo ystadegau yn cael eu rhyddhau ac y mae wedi rhoi caniatâd iddynt gael eu gweld cyn eu rhyddhau, fod rhaid i'r wybodaeth a nodir ym mharagraffau 3(a) i (c) gyd-fynd â'r ystadegau.

Yn ddarostyngedig i weddill y darpariaethau ym mharagraff 4, mae paragraffau 4(1)(a) a (b) yn gosod terfynau uchaf o ran pa mor bell ymlaen llaw cyn eu

The rules and principles provided for by the Order are set out in the Schedule. Article 3 of the Order provides that, subject to the exception set out in article 3(4), the Schedule applies to statistics which meet all of the criteria of being official statistics, wholly Welsh devolved statistics and either designated as National Statistics or awaiting a determination as to whether they are designated as National Statistics. The exception in article 3(4) applies where statistics are released for the sole purpose of producing the publication in which they are to be published.

The Statistics Board has the function under section 12(2) of the Act of designating official statistics as National Statistics. The Board was established by the Act. Prior to the establishment of the Board and the commencement of section 12, the Office for National Statistics designated official statistics as National Statistics. Section 12(8) of the Act provides that official statistics which were designated as National Statistics before the commencement of section 12 are to be regarded for the purposes of Part 1 of the Act as if they had been designated as National Statistics under section 12(2).

Paragraph 1(1) of the Schedule provides that, subject to the provisions of the Order, the person responsible may grant pre-release access only to the extent that, they consider it necessary to grant access to a particular identifiable individual in order to achieve a purpose which is one of those mentioned in paragraphs 1(1)(a) to (h). The "person responsible" is defined in section 67 of the Act.

Paragraph 1(2) provides that, before granting pre-release access, the person responsible must be satisfied that arrangements are in place to inform the individual to whom they grant pre-release access of the ground in paragraphs 1(1)(a) to (h) under which access is granted, and of the requirements set out in paragraph 5 to which that individual will be subject.

Paragraph 1(3) is for the purposes of the meaning of paragraphs 1(1)(a) to (c).

Paragraph 2 provides that where the person responsible grants pre-release access they must make the grant to a particular individual who can be identified. For example, a grant to "the First Minister for Wales" would meet this requirement, but a grant to "the Welsh Local Government Association" would not.

Paragraph 3 requires the person responsible to ensure that when statistics to which they have granted pre-release access are released, the statistics must be accompanied by the information as set out in paragraphs 3(a) to (c).

Subject to the remainder of the provisions in paragraph 4, paragraphs 4(1)(a) and (b) impose maximum limits on how far in advance of their publication the person

cyhoeddi y caiff y person cyfrifol ryddhau ystadegau o dan y Gorchymyn.

Yn achos ystadegau sy'n sensitif i'r farchnad, rhaid i'r ystadegau beidio â chael eu rhyddhau fwy na 24 awr cyn yr amser y bwriedir eu cyhoeddi. Diffinnir "ystadegau sy'n sensitif i'r farchnad" yn erthygl 2 o'r Gorchymyn.

Yn achos ystadegau nad ydynt yn sensitif i'r farchnad, rhaid iddynt beidio â chael eu rhyddhau yn gynt na'r pumed diwrnod cyn y dyddiad y bwriedir eu cyhoeddi.

Effaith paragraff 4(1)(c) yn achos ystadegau sy'n sensitif i'r farchnad ac ystadegau nad ydynt yn sensitif i'r farchnad yw bod rhaid peidio â'u rhyddhau yn gynt na'r hyn y mae'r person cyfrifol o'r farn ei bod yn angenrheidiol er mwyn cyflawni'r diben y caniateir iddynt gael eu gweld ar ei gyfer cyn eu rhyddhau.

Mae paragraff 4(6) yn gymwys at ddibenion cyfrifo'r adeg gynharaf y caniateir i ystadegau gael eu rhyddhau. Effaith y paragraff yw bod dyddiau penodol, megis dyddiau'r penwythnos, i'w hanwybyddu wrth gyfrifo.

Mae paragraff 4(2) yn anghymhwysu'r terfynau amser uchaf pan roddir caniatâd o dan baragraff 1(1)(ch) i ystadegau gael eu gweld cyn eu rhyddhau.

Effaith paragraff 4(3) yw caniatáu i'r person cyfrifol ryddhau ystadegau yn gynt na'r cyfnodau hiraf y darperir ar eu cyfer ym mharagraffau 4(1)(a) a (b). Er hynny, dim ond os yw'r amodau a nodir ym mharagraffau 4(3)(a) a (b) wedi'u bodloni y caiff y person cyfrifol wneud hyn.

Mae paragraff 4(4) yn ei gwneud yn ofynnol i'r person cyfrifol hysbysu'r Bwrdd Ystadegau, a rhoi gwybodaeth benodol i'r Bwrdd, os bydd y person cyfrifol yn rhoi caniatâd i ystadegau gael eu gweld yn gynt na'r cyfnodau hiraf y darperir ar eu cyfer ym mharagraffau 4(1)(a) a (b).

Effaith paragraff 4(5), os bydd y person cyfrifol yn rhoi caniatâd o dan baragraff 1(1)(ch) i ystadegau gael eu gweld cyn eu rhyddhau, gan ganiatáu iddynt gael eu gweld yn gynt na'r cyfnodau hiraf y darperir ar eu cyfer ym mharagraffau 4(1)(a) a (b), yw bod rhaid i'r person cyfrifol gydymffurfio â'r gofyniad ynghylch hysbysu ym mharagraff 4(4), er bod paragraff 4(2) wedi anghymhwysu'r cyfnodau hiraf ym mharagraffau 4(1)(a) a (b) mewn achosion lle mae caniatâd wedi'i roi o dan baragraff 1(1)(ch).

Mae paragraff 5 yn gosod gofynion ar unigolion y mae'r person cyfrifol wedi rhoi caniatâd iddynt weld ystadegau cyn eu rhyddhau, ac ar y rhai y mae ystadegau wedi'u datgelu iddynt o dan baragraff 6 (datgelu er mwyn i gymorth gweinyddol a thechnegol gael ei roi). Mae'r gofynion hyn yn ymwneud yn bennaf â gwahardd rhagor o ddatgelu ar yr ystadegau, cyfyngu ar sut y caniateir eu defnyddio, ei gwneud yn

responsible may release statistics under the Order.

In the case of market-sensitive statistics, the statistics must not be released earlier than 24 hours before the time at which it is intended they will be published. "Market-sensitive statistics" is defined in article 2 of the Order.

In the case of statistics which are not market-sensitive, they must not be released earlier than the fifth day before the date on which it is intended they will be published.

The effect of paragraph 4(1)(c) is that in the case of statistics which are market sensitive and those which are not, they must not be released earlier than the person responsible considers is necessary to fulfil the purpose for which pre-release access is granted.

Paragraph 4(6) applies for the purposes of calculating the earliest point at which the statistics can be released. Its effect is that certain days, such as those which fall on weekends, are to be disregarded in carrying out the calculation.

Paragraph 4(2) disapplies the maximum time limits where pre-release access is granted under paragraph 1(1)(d).

Paragraph 4(3) has the effect of allowing the person responsible to release statistics earlier than the maximum periods provided for in paragraphs 4(1)(a) and (b). However, the person responsible can do so only if the conditions set out in paragraphs 4(3)(a) and (b) are met.

Paragraph 4(4) requires the person responsible to notify the Statistics Board, and to provide the Board with certain information, if the person responsible gives access earlier than the maximum periods provided for in paragraphs 4(1)(a) and (b).

The effect of paragraph 4(5) is that, if the person responsible grants pre-release access under paragraph 1(1)(d), and gives access earlier than the maximum periods provided for in paragraphs 4(1)(a) and (b), the person responsible has to comply with the notification requirement in paragraph 4(4), even though paragraph 4(2) has disapplied the maximum periods in paragraphs 4(1)(a) and (b) to cases where access has been granted under paragraph 1(1)(d).

Paragraph 5 imposes requirements on individuals who have been granted pre-release access by the person responsible, and on those who have had statistics disclosed to them under paragraph 6 (disclosure for the purposes of enabling the provision of administrative and technical support.) These requirements relate mainly to prohibiting further disclosures of the statistics, limiting their use, requiring

ofynnol i gamau rhesymol gael eu cymryd i warchod eu diogelwch a'i gwneud yn ofynnol i bob cam rhesymol ymarferol gael ei gymryd i hysbysu'r person cyfrifol os caiff y diogelwch hwnnw ei dorri.

Mae paragraff 6 yn caniatáu i unigolyn y rhoddwyd caniatâd iddo weld ystadegau cyn cael eu rhyddhau o dan un o baragraffau 1(1)(a) i (e) ddatgelu'r ystadegau hynny i unigolyn sy'n rhoi cymorth gweinyddol neu dechnegol iddo. Er hynny, rhaid i'r datgeliad fod yn angenrheidiol er mwyn galluogi i'r cymorth hwnnw gael ei roi, a chael ei wneud at y diben hwnnw yn unig. Ni chaniateir i unigolyn y rhoddwyd caniatâd iddo weld ystadegau o dan baragraff 1(1)(f) ddatgelu'r ystadegau eto gan ddefnyddio'r ddarpariaeth hon.

Mae paragraff 7 yn ei gwneud yn ofynnol i'r person cyfrifol hysbysu'r Bwrdd Ystadegau, a rhoi gwybodaeth benodol i'r Bwrdd, pan fo'r person cyfrifol wedi rhoi caniatâd o dan baragraff 1(1)(f) i ystadegau gael eu gweld cyn eu rhyddhau.

Mae paragraff 8 yn ei gwneud yn ofynnol i'r person cyfrifol, wrth iddo ystyried caniatáu i unigolyn penodol weld ystadegau cyn eu rhyddhau, gymryd i ystyriaeth yn ei benderfyniad unrhyw dystiolaeth y mae'n ymwybodol ohoni sydd, yn ei farn ef, yn dangos unrhyw rai o'r materion a nodir ym mharagraffau 8(a) i (ch). Mae'r materion yn ymwneud â methu â chydymffurfio o'r blaen â gofynion paragraff 5, a datgelu ystadegau neu eu cynnwys o'r blaen.

Mae paragraff 9(1) yn ei gwneud yn ofynnol i'r person cyfrifol wneud cofnodion, cyn gynted ag y bo'n rhesymol ymarferol, ynghylch y caniatadau y maent wedi'u rhoi i ystadegau gael eu gweld cyn eu rhyddhau. Rhaid i'r cofnodion hyn gynnwys gwybodaeth benodol fel y'i nodir ym mharagraffau 9(1)(a) i (ng).

Mae paragraff 9(2) yn ei gwneud yn ofynnol i'r person cyfrifol gadw'r cofnodion am o leiaf saith mlynedd ar ôl dyddiad cyhoeddi'r ystadegau y maent yn ymwneud â hwy.

Mae paragraff 10(1) yn ei gwneud yn ofynnol i'r person cyfrifol sicrhau y cyhoeddir bob blwyddyn, ar 1 Ionawr neu cyn gynted ar ôl y dyddiad hwnnw ag y bo'n rhesymol ymarferol, restr o enwau'r ystadegau y mae wedi caniatáu iddynt gael eu gweld cyn eu rhyddhau yn ystod y deuddeg mis yn union cyn y dyddiad hwnnw.

Mae paragraff 10(2) yn ei gwneud yn ofynnol i'r person cyfrifol sicrhau bod trefniadau wedi'u gwneud tuag at sicrhau bod ystadegau y mae'n berson cyfrifol ar eu cyfer, ac y mae'r Atodlen i'r Gorchymyn hwn yn gymwys iddynt, yn cael eu trin yn unol â'r Gorchymyn hwn.

Mae paragraffau 10(3) a (4) yn ei gwneud yn ofynnol i'r person cyfrifol sicrhau y cyhoeddir esboniad o'r trefniadau a grybwyllir ym mharagraff 10(2), a bod yr esboniad a gyhoeddir yn cael ei ddiweddarau i adlewyrchu newidiadau yn y trefniadau hynny.

reasonable steps to be taken to safeguard their security and requiring all reasonably practicable steps to be taken to notify the person responsible if that security is breached.

Paragraph 6 permits an individual who has been granted pre-release access to statistics under one of paragraphs 1(1)(a) to (g) to disclose those statistics to an individual who provides them with administrative or technical support. However, the disclosure must be one which is necessary to enable that support to be provided, and must be made solely for that purpose. An individual who has been granted access under paragraph 1(1)(h) cannot make a further disclosure of the statistics using this provision.

Paragraph 7 requires the person responsible to notify the Statistics Board, and provide the Board with certain information, where the person responsible has granted pre-release access under paragraph 1(1)(h).

Paragraph 8 requires the person responsible, where they are considering granting pre-release access to a particular individual, to take into account in their decision any evidence of which they are aware which, in their opinion, indicates any of the matters set out in paragraphs 8(a) to (d). The matters relate to previous non-compliance with the requirements of paragraph 5, and previous disclosures of statistics or their content.

Paragraph 9(1) requires the person responsible to make, as soon as is reasonably practicable, records relating to grants of pre-release access made by them. Those records must contain information as set out in paragraphs 9(1)(a) to (k).

Paragraph 9(2) requires the person responsible to retain the records for at least 7 years from the date of the publication of the statistics to which they relate.

Paragraph 10(1) requires the person responsible to ensure that each year, on 1 January or as soon as is reasonably practicable after that date, there is published a list of the names of the statistics to which they have granted pre-release access in the twelve months immediately prior to that date.

Paragraph 10(2) requires the person responsible to ensure that there are arrangements in place towards ensuring that statistics in respect of which they are the person responsible, and to which the Schedule to this Order applies, are dealt with in accordance with this Order.

Paragraphs 10(3) and (4) require the person responsible to ensure that there is a published explanation of the arrangements mentioned in paragraph 10(2), and that the published explanation is updated to reflect changes to those arrangements.

Mae paragraff 11(1) yn gosod gofyniad ar y person cyfrifol i ddarparu gwybodaeth, o fewn terfyn amser penodedig, mewn ymateb i geisiadau penodol am wybodaeth benodol a geir yn y cofnodion y mae wedi'u gwneud at ddibenion paragraff 9. Er mwyn i'r rhwymedigaeth hon ar y person cyfrifol godi, rhaid i'r wybodaeth y gofynnir amdani fodloni'r meini prawf a nodir ym mharagraff 11(2) a rhaid i'r cais fodloni'r meini prawf a nodir ym mharagraff 11(3).

Paragraph 11(1) places a requirement on the person responsible to provide information, within a specified time limit, in response to certain requests for certain information contained within records they have made for the purposes of paragraph 9. In order for this obligation on the person responsible to arise, the requested information must meet the criteria set out in paragraph 11(2) and the request must meet the criteria set out in paragraph 11(3).

2009 Rhif 2818 (Cy.244)

YSTADEGAU SWYDDOGOL

Gorchymyn Gweld Ystadegau Swyddogol cyn eu Rhyddhau (Cymru) 2009

Wedi'i wneud 20 Hydref 2009

Yn dod i rym yn unol ag erthygl 1

Mae Gweinidogion Cymru yn gwneud y Gorchymyn hwn drwy arfer y pwerau a roddir gan adrannau 11(2), (4), (5) a (6) o Ddeddf Ystadegau a'r Gwasanaeth Cofrestru 2007(1).

Yn unol ag adran 11(7) o'r Ddeddf honno, mae Gweinidogion Cymru wedi ymgynghori â'r Gweinidog dros Swyddfa'r Cabinet, Gweinidogion yr Alban, Adran Cyllid a Phersonél Gogledd Iwerddon a'r Bwrdd Ystadegau.

Yn unol ag adran 65(7) o'r Ddeddf honno, mae drafft o'r Gorchymyn hwn wedi'i osod gerbron Cynulliad Cenedlaethol Cymru ac wedi'i gymeradwyo drwy benderfyniad ganddo.

Enwi a chychwyn

1. Enw'r Gorchymyn hwn yw Gorchymyn Gweld Ystadegau Swyddogol cyn eu Rhyddhau (Cymru) 2009 a daw i rym drannoeth y diwrnod y caiff ei wneud.

Dehongli

2. Yn y Gorchymyn hwn—

ystyr "y Cod" ("*the Code*") yw'r Cod Ymarfer ar gyfer Ystadegau o dan adran 10 o'r Ddeddf;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Ystadegau a'r Gwasanaeth Cofrestru 2007; ac

ystyr "ystadegau sy'n sensitif i'r farchnad" ("*market-sensitive statistics*") yw ystadegau a fyddai, o'u datgelu, ym marn y person cyfrifol, yn rhesymol debygol o gael effaith arwyddocaol ar werth unrhyw fuddsoddiad neu ar nifer y trafodion ar unrhyw fuddsoddiad.

2009 No. 2818 (W.244)

OFFICIAL STATISTICS

The Pre-release Access to Official Statistics (Wales) Order 2009

Made 20 October 2009

Coming into force in accordance with article 1

The Welsh Ministers make this Order in exercise of the powers conferred by sections 11(2), (4), (5) and (6) of the Statistics and Registration Service Act 2007(1).

In accordance with section 11(7) of that Act, the Welsh Ministers have consulted the Minister for the Cabinet Office, the Scottish Ministers, the Department of Finance and Personnel for Northern Ireland and the Statistics Board.

In accordance with section 65(7) of that Act, a draft of this Order has been laid before and approved by resolution of the National Assembly for Wales.

Title and commencement

1. The title of this Order is the Pre-release Access to Official Statistics (Wales) Order 2009 and it comes into force on the day after the day on which it is made.

Interpretation

2. In this Order—

"the Act" ("*y Ddeddf*") means the Statistics and Registration Service Act 2007;

"the Code" ("*y Cod*") means the Code of Practice for Statistics under section 10 of the Act; and

"market-sensitive statistics" ("*ystadegau sy'n sensitif i'r farchnad*") means statistics which when disclosed would, in the opinion of the person responsible, be reasonably likely to have a significant effect on the value of any investment or on the amounts traded of any investment.

(1) 2007 p. 18.

(1) 2007 c. 18.

Ystadegau y mae'r rheolau a'r egwyddorion ynghylch gweld ystadegau cyn eu rhyddhau yn gymwys iddynt

3.–(1) Yn ddarostyngedig i baragraff (4), mae'r Atodlen yn gymwys i'r ystadegau y cyfeirir atynt ym mharagraff (3).

(2) At ddibenion y Cod, mae'r Atodlen yn darparu ar gyfer rheolau ac egwyddorion ynglŷn â chaniatáu i'r ystadegau hynny gael eu gweld cyn eu rhyddhau(1).

(3) Yr ystadegau yw ystadegau swyddogol(2) sydd yn gyfan gwbl yn ystadegau datganoledig Cymru(3) ac—

- (a) sydd wedi'u dynodi'n "Ystadegau Gwladol" o dan adran 12(2) o'r Ddeddf, heb i'r dynodiad hwnnw gael ei ddileu;
- (b) y bernir yn rhinwedd adran 12(8) o'r Ddeddf eu bod wedi'u dynodi'n "Ystadegau Gwladol", heb i'r dynodiad hwnnw gael ei ddileu; neu
- (c) y mae cais o dan adran 12(1) o'r Ddeddf wedi'i wneud mewn perthynas â hwy, heb i benderfyniad gael ei wneud o dan adran 12(2) o'r Ddeddf.

(4) Nid yw'r Atodlen yn gymwys pan gaiff yr ystadegau eu rhyddhau dim ond er mwyn i gyhoeddiad electronig neu gyhoeddiad copi caled y bwriedir cyhoeddi'r ystadegau ynddo gael ei gynhyrchu.

Statistics to which pre-release access rules and principles apply

3.–(1) Subject to paragraph (4), the Schedule applies to the statistics referred to in paragraph (3).

(2) For the purposes of the Code, the Schedule provides for rules and principles relating to the granting of pre-release access(1) to those statistics.

(3) The statistics are official statistics(2) that are wholly Welsh devolved statistics(3) and—

- (a) have been designated as "National Statistics" under section 12(2) of the Act, and that designation has not been cancelled;
- (b) are regarded by virtue of section 12(8) of the Act as having been designated as "National Statistics", and that designation has not been cancelled; or
- (c) a request under section 12(1) of the Act has been made in respect of them, and no determination has been made under section 12(2) of the Act.

(4) The Schedule does not apply where the statistics are released only for the purpose of producing an electronic or hard copy publication in which the statistics are to be published.

Andrew Davies

Y Gweinidog dros Gyllid a Chyflenwi Gwasanaethau Cyhoeddus, un o Weinidogion Cymru

Minister for Finance and Public Service Delivery, one of the Welsh Ministers

20 Hydref 2009

20 October 2009

(1) Diffinnir "gweld ystadegau cyn eu rhyddhau" ("*pre-release access*") yn adran 11(8) o Ddeddf Ystadegau a'r Gwasanaeth Cofrestru 2007 p. 18 ("y Ddeddf").

(2) Diffinnir "ystadegau swyddogol" ("*official statistics*") yn adran 6(1) o'r Ddeddf.

(3) Diffinnir "ystadegau datganoledig Cymru" ("*Welsh devolved statistics*") yn adran 66(3) o'r Ddeddf.

(1) "pre-release access" is defined in section 11(8) of the Statistics and Registration Service Act 2007 c. 18 ("the Act").

(2) "official statistics" is defined in section 6(1) of the Act.

(3) "Welsh devolved statistics" is defined in section 66(3) of the Act.

Erthygl 3

Article 3

Rheolau ac egwyddorion ynglŷn â gweld
ystadegau cyn eu rhyddhau

Rules and principles relating to pre-release
access

**Unigolion y gellir rhoi caniatâd iddynt weld
ystadegau cyn eu rhyddhau, ac o dan ba
amgylchiadau**

**Individuals to whom, and circumstances in which,
pre-release may be granted**

1.–(1) Yn ddarostyngedig i ddarpariaethau'r Gorchymyn hwn, caiff y person cyfrifol(1) roi caniatâd i ystadegau gael eu gweld cyn eu rhyddhau dim ond i'r graddau y mae o'r farn ei bod yn angenrheidiol rhoi caniatâd i unigolyn adnabyddadwy penodol eu gweld er mwyn—

1.–(1) Subject to the provisions of this Order, the person responsible(1) may grant pre-release access in respect of statistics only to the extent that they consider it is necessary to grant access to a particular identifiable individual in order to—

- (a) galluogi unigolyn a grybwyllir yn is-baragraff (3) i gyflwyno sylwadau cyhoeddus ar yr ystadegau ar sail dealltwriaeth gywir ohonynt;
- (b) galluogi unigolyn a grybwyllir yn is-baragraff (3) i bwysu a mesur goblygiadau'r ystadegau ar gyfer polisïau a rhaglenni Gweinidogion Cymru er mwyn sicrhau bod unrhyw sylwadau cyhoeddus a gyflwynir gan unigolyn a grybwyllir yn is-baragraff (3) am y polisïau a'r rhaglenni hynny adeg cyhoeddi'r ystadegau neu ar ôl eu cyhoeddi yn adlewyrchu dealltwriaeth gywir ohonynt;
- (c) sicrhau na fydd unigolyn a grybwyllir yn is-baragraff (3) yn dibynnu ar ystadegau eraill sydd ar gael iddo, am yr un pwnc â'r ystadegau y gellir caniatáu iddynt gael eu gweld cyn eu rhyddhau ar draul y canlynol—
 - (i) arfer unrhyw rai o swyddogaethau Gweinidogion Cymru, Prif Weinidog Cymru neu Gwnsler Cyffredinol Llywodraeth Cynulliad Cymru, neu
 - (ii) unrhyw sylw cyhoeddus a gyflwynir gan unigolyn a grybwyllir yn is-baragraff (3) ynglŷn â'r ystadegau eraill hynny,

- (a) enable an individual mentioned in sub-paragraph (3) to comment publicly on the statistics based on a correct understanding of them;
- (b) enable an individual mentioned in sub-paragraph (3) to consider the implications of the statistics for the policies and programmes of the Welsh Ministers so as to ensure that any public comments made by an individual mentioned in sub-paragraph (3) about those policies and programmes at or after the time of publication of the statistics reflect a correct understanding of them;
- (c) ensure that other statistics available to an individual mentioned in sub-paragraph (3), about the same subject-matter as the statistics to which pre-release access may be granted are not relied on by such an individual to the detriment of—
 - (i) the exercise of any functions of the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government, or
 - (ii) any public comment an individual mentioned in sub-paragraph (3) makes relating to those other statistics,

heb iddo gael gwybod am yr ystadegau y gellir caniatáu iddynt gael eu gweld cyn eu rhyddhau;

without their being informed of the statistics to which pre-release access may be granted;

- (ch) sicrhau, pan fo cyhoeddiad neu ddeunydd arall yn cael ei baratoi gan neu ar ran unrhyw gorff cyhoeddus, swyddfa gyhoeddus neu ddeiliad swydd o'r fath i'w gyhoeddi yr un pryd neu yn fuan ar ôl yr ystadegau y gellir caniatáu iddynt gael eu gweld cyn eu rhyddhau, fod unrhyw ystadegau a gynhwysir yn y cyhoeddiad neu'r deunydd hwnnw yn gywir neu fod y cyhoeddiad neu'r deunydd wedi'i fwydo'n briodol fel arall gan yr ystadegau y gellir caniatáu iddynt gael eu gweld cyn eu rhyddhau;

- (d) ensure, where a publication or other material is being prepared by or on behalf of any public body, public office or holder of such an office for publication at the same time or shortly after the statistics to which pre-release access may be granted, that any statistics contained in that publication or material are correct or that the publication or material is otherwise properly informed by the statistics to which pre-release access may be granted;

(1) Diffinnir "y person cyfrifol" ("*the person responsible*") yn adran 67 o'r Ddeddf.

(1) "the person responsible" is defined in section 67 of the Act.

(d) galluogi un o'r canlynol i gyflwyno sylwadau cyhoeddus mewn cysylltiad â chyhoeddi'r ystadegau ar sail dealltwriaeth gywir ohonynt—

- (i) un o Weinidogion y Goron;
- (ii) pennaeth adran o lywodraeth y Deyrnas Unedig;
- (iii) aelod o Weithrediaeth yr Alban;
- (iv) un o Is-weinidogion yr Alban;
- (v) un o Weinidogion Gogledd Iwerddon, gan gynnwys Prif Weinidog a Dirprwy Brif Weinidog Gogledd Iwerddon;
- (vi) aelod o Gynulliad Gogledd Iwerddon a benodwyd yn Is-weinidog o dan adran 19 o Ddeddf Gogledd Iwerddon 1998(1);

(vii) unigolyn sy'n cynghori unrhyw rai o'r rhai a grybwyllir yn is-baragraffau (i) i (vi).

(dd) galluogi corff cyhoeddus, swyddfa gyhoeddus neu ddeiliad swydd o'r fath, y mae'r ystadegau yn berthnasol i'w swyddogaethau, i gyflwyno sylwadau cyhoeddus ar yr ystadegau ar sail dealltwriaeth gywir ohonynt;

(e) galluogi corff sy'n cynrychioli corff cyhoeddus, swyddfa gyhoeddus neu ddeiliad swydd o'r fath y mae'r ystadegau yn berthnasol i'w swyddogaethau i gyflwyno sylwadau cyhoeddus ar yr ystadegau ar sail dealltwriaeth gywir ohonynt;

(f) cyflawni unrhyw ddiben arall os yw'r person cyfrifol o'r farn bod budd y cyhoedd yn cael ei ateb gryn dipyn yn well drwy roi caniatâd i weld yr ystadegau cyn eu rhyddhau (yn hytrach na thrwy beidio â'i roi) at y diben hwnnw gan roi sylw i unrhyw niwed y byddai gweld yr ystadegau cyn eu rhyddhau yn debyg o'i beri i'r canlynol—

- (i) ymddiriedaeth y cyhoedd yng ngonestrwydd ystadegau swyddogol yn gyffredinol; neu
- (ii) ymddiriedaeth y cyhoedd yng ngonestrwydd ystadegau swyddogol penodol.

(2) Dim ond os yw'n fodlon bod trefniadau wedi'u gwneud i roi gwybod am yr wybodaeth ganlynol i unigolyn y mae'n rhoi caniatâd iddo weld ystadegau cyn eu rhyddhau y caiff y person cyfrifol roi caniatâd i weld ystadegau cyn eu rhyddhau—

- (a) ar ba sail yn is-baragraff (1) y rhoddir caniatâd; a
- (b) gofynion paragraff 5.

(3) Yr unigolion a grybwyllir yn yr is-baragraff hwn yw—

(e) enable one of the following to make public comments in connection with the publication of the statistics based on a correct understanding of them—

- (i) a Minister of the Crown;
- (ii) the head of a United Kingdom government department;
- (iii) a member of the Scottish Executive;
- (iv) a junior Scottish Minister;
- (v) a Northern Ireland Minister, including the First Minister and Deputy First Minister in Northern Ireland;
- (vi) a member of the Northern Ireland Assembly appointed as a junior Minister under section 19 of the Northern Ireland Act 1998(1);

(vii) an individual who advises any of those mentioned in sub-paragraphs (i) to (vi).

(f) enable a public body, public office or holder of such an office, to whose functions the statistics are relevant, to comment publicly on the statistics based on a correct understanding of them;

(g) enable a body which represents a public body, public office or holder of such an office to whose functions the statistics are relevant, to comment publicly on the statistics based on a correct understanding of them;

(h) achieve any other purpose if the person responsible considers that the public interest is significantly better served by granting pre-release access (rather than not granting it) for that purpose having regard to any harm which the pre-release access would be likely to cause to—

- (i) public trust in the integrity of official statistics generally; or
- (ii) public trust in the integrity of particular official statistics.

(2) The person responsible may grant pre-release access only where they are satisfied that there are arrangements in place to inform an individual to whom they grant pre-release access of the following information—

- (a) the ground in sub-paragraph (1) under which access is granted; and
- (b) the requirements of paragraph 5.

(3) The individuals mentioned in this sub-paragraph are—

(1) 1998 p. 47.

(1) 1998 c. 47.

- (a) un o Weinidogion Cymru a benodwyd o dan adran 48 o Ddeddf Llywodraeth Cymru 2006(1);
- (b) Prif Weinidog Cymru;
- (c) Cwnsler Cyffredinol Llywodraeth Cynulliad Cymru;
- (ch) un o Ddirprwy Weinidogion Cymru a benodwyd o dan adran 50 o Ddeddf Llywodraeth Cymru 2006;
- (d) unigolyn sy'n cynghori unrhyw rai o'r rhai a grybwyllir yn is-baragraffau (a) i (ch).

Caniatâd i weld ystadegau cyn eu rhyddhau i'w roi i unigolion adnabyddadwy penodol

2. Pan fo'r person cyfrifol yn rhoi caniatâd i weld ystadegau cyn eu rhyddhau rhaid iddo roi'r caniatâd hwnnw i unigolyn adnabyddadwy penodol.

Gwybodaeth i gyd-fynd ag ystadegau y rhoddwyd caniatâd i'w gweld cyn eu rhyddhau

3. Rhaid i'r person cyfrifol sicrhau bod yr wybodaeth ganlynol yn cyd-fynd â rhyddhau'r ystadegau y mae wedi rhoi caniatâd i'w gweld cyn eu rhyddhau—

- (a) yn achos ystadegau sy'n sensitif i'r farchnad, mai "Ystadegau Cyfrinachol" ydynt;
- (b) yn achos ystadegau nad ydynt yn ystadegau sy'n sensitif i'r farchnad, mai "Ystadegau Cyfyngedig" ydynt;
- (c) ym mhob achos—
 - (i) bod caniatâd i weld yr ystadegau cyn eu rhyddhau wedi'i roi o dan y Gorchymyn hwn;
 - (ii) bod paragraff 5 o'r Atodlen hon yn cynnwys gofynion penodol; a
 - (iii) manylion am sut i roi gwybod i'r person cyfrifol os caiff yr ystadegau eu datgelu neu os gallent gael eu datgelu heblaw fel y'i caniateir gan y Gorchymyn hwn.

Amseru'r cyfle i weld ystadegau

- 4.–(1) Yn ddarostyngedig i is-baragraffau (2) i (6)—
- (a) yn achos ystadegau sy'n sensitif i'r farchnad, wrth roi caniatâd i weld yr ystadegau cyn eu rhyddhau rhaid i'r person cyfrifol beidio â rhoi caniatâd i'r ystadegau hynny gael eu gweld fwy na 24 awr cyn yr amser y bwriedir eu cyhoeddi;
 - (b) yn achos ystadegau eraill, wrth roi caniatâd i'w gweld cyn eu rhyddhau rhaid i'r person cyfrifol beidio â rhoi caniatâd i'r ystadegau hynny gael eu gweld fwy na phum diwrnod cyn y dyddiad y bwriedir eu cyhoeddi;

- (a) a Welsh Minister appointed under section 48 of the Government of Wales Act 2006(1);
- (b) the First Minister for Wales;
- (c) the Counsel General to the Welsh Assembly Government;
- (d) a Deputy Welsh Minister appointed under section 50 of the Government of Wales Act 2006;
- (e) an individual who advises any of those mentioned in sub-paragraphs (a) to (d).

Pre-release access to be granted to particular identifiable individuals

2. Where the person responsible grants pre-release access they must make that grant to a particular identifiable individual.

Information to accompany statistics to which pre-release access has been granted

3. The person responsible must ensure that the following information accompanies the release of statistics in respect of which they have granted pre-release access—

- (a) in the case of market-sensitive statistics, that they are "Confidential Statistics";
- (b) in the case of statistics that are not market-sensitive statistics, that they are "Restricted Statistics";
- (c) in all cases—
 - (i) that pre-release access in respect of the statistics has been granted under this Order;
 - (ii) that paragraph 5 of this Schedule contains certain requirements; and
 - (iii) details of how to inform the person responsible in the event that the statistics are or might be disclosed otherwise than is permitted by this Order.

Timing of access

- 4.–(1) Subject to sub-paragraphs (2) to (6)—
- (a) in the case of market sensitive statistics, where granting pre-release access the person responsible must not give access to those statistics earlier than 24 hours before the intended time of their publication;
 - (b) in the case of other statistics, where granting pre-release access the person responsible must not give access to those statistics earlier than the fifth day before the intended date of their publication;

(1) 2006 p. 32.

(1) 2006 c. 32.

(c) ym mhob achos rhaid i'r person cyfrifol beidio â rhoi caniatâd i'r ystadegau gael eu gweld yn gynt nag y mae'n credu ei bod yn angenrheidiol er mwyn cyflawni'r diben y mae'n rhoi caniatâd i'w gweld ar ei gyfer.

(2) Pan fo'r person cyfrifol yn rhoi caniatâd i weld ystadegau cyn eu rhyddhau ar y sail ym mharagraff 1(1)(ch), nid yw is-baragraffau (1)(a) a (b) yn gymwys.

(3) Wrth roi caniatâd i weld ystadegau cyn eu rhyddhau caiff y person cyfrifol roi caniatâd i'w gweld yn gynt na'r hyn y darperir ar ei gyfer yn is-baragraffau (1)(a) a (b) ar yr amod bod yr amodau canlynol wedi'u bodloni—

- (a) ei fod o'r farn bod gweld yr ystadegau yn gynt fel hyn yn angenrheidiol er mwyn cyflawni'r diben y mae'n rhoi caniatâd i'w gweld cyn eu rhyddhau ar ei gyfer; a
- (b) ei fod o'r farn bod budd y cyhoedd yn cael ei ateb gryn dipyn yn well drwy roi caniatâd i weld yr ystadegau yn gynt fel hyn (yn hytrach na thrwy beidio â'i roi) gan roi sylw i unrhyw niwed y byddai gweld yr ystadegau yn gynt fel hyn yn debyg o'i beri i'r canlynol—
 - (i) ymddiriedaeth y cyhoedd yng ngonestrwydd ystadegau swyddogol yn gyffredinol; neu
 - (ii) ymddiriedaeth y cyhoedd yng ngonestrwydd ystadegau swyddogol penodol.

(4) Pan fo'r person cyfrifol yn rhoi caniatâd i weld ystadegau cyn eu rhyddhau yn gynt na'r hyn y darperir ar ei gyfer yn is-baragraffau (1)(a) a (b) rhaid iddo, cyn gynted ag y bo'n rhesymol ymarferol, roi gwybod am y canlynol i'r Bwrdd Ystadegau(1)—

- (a) y ffaith ei fod wedi gwneud hynny;
- (b) enw'r ystadegau y rhoddwyd caniatâd i'w gweld yn gynt fel hyn;
- (c) enw a swydd yr unigolyn y rhoddwyd caniatâd i'w gweld yn gynt fel hyn;
- (ch) o ba ddyddiad ac amser y rhoddwyd caniatâd i'w gweld;
- (d) ar ba sail ym mharagraff 1(1) y rhoddwyd caniatâd i'w gweld; ac
- (dd) esboniad o'r rheswm dros roi caniatâd i'w gweld yn gynt fel hyn.

(5) Mae'r gofynion a nodir yn is-baragraff (4) yn gymwys mewn achosion lle mae'r person cyfrifol wedi rhoi caniatâd i weld ystadegau cyn eu rhyddhau ar y sail ym mharagraff 1(1)(ch) fel pe na bai'r cyfyngiadau yn is-baragraff (1) yn gymwys i ganiatâd a roddir ar y sail honno.

(c) in all cases, the person responsible must not give access earlier than they consider is necessary to fulfil the purpose for which they are granting access.

(2) Where the person responsible grants pre-release access under the ground in paragraph 1(1)(d), sub-paragraphs (1)(a) and (b) do not apply.

(3) Where granting pre-release access the person responsible may give access earlier than is provided for in sub-paragraphs (1)(a) and (b) provided that the following conditions are met—

- (a) they consider that such earlier access is necessary to fulfil the purpose for which they are granting pre-release access; and
- (b) they consider that the public interest is significantly better served by giving such earlier access (rather than not giving it) having regard to any harm which such earlier access would be likely to cause to—
 - (i) public trust in the integrity of official statistics generally; or
 - (ii) public trust in the integrity of particular official statistics.

(4) Where the person responsible gives pre-release access earlier than is provided for in sub-paragraphs (1)(a) and (b) they must, as soon as is reasonably practicable, inform the Statistics Board(1) of—

- (a) the fact that they have done so;
- (b) the name of the statistics in respect of which such earlier access has been given;
- (c) the name and position of the individual to whom such earlier access has been given;
- (d) the date and time from which access was given;
- (e) the ground in paragraph 1(1) under which access was granted; and
- (f) an explanation of the reason for granting such earlier access.

(5) The requirements set out in sub-paragraph (4) apply in cases where the person responsible has granted pre-release access under the ground in paragraph 1(1)(d) as if the restrictions in sub-paragraph (1) did apply to grants under that ground.

(1) Cafodd y Bwrdd Ystadegau ("The Statistics Board") ei sefydlu gan adran 1(1) o'r Ddeddf.

(1) The Statistics Board ("Y Bwrdd Ystadegau") was established by section 1(1) of the Act.

(6) Nid yw'r cyfnodau amser a grybwyllir yn is-baragraff (1) ("24 awr" a "diwrnod") yn cynnwys unrhyw gyfnod o amser sy'n syrthio ar ddydd Sadwrn, dydd Sul, Dydd Nadolig, Dydd Gwener y Grogllith, neu ddiwrnod sy'n Wyl Banc o dan Ddeddf Bancio a Thrafodion Ariannol 1971(1) mewn unrhyw ran o'r Deyrnas Unedig.

Gofynion lle rhoddwyd caniatâd i weld ystadegau cyn eu rhyddhau

5.–(1) Mae'r paragraff hwn yn gymwys pan fo caniatâd wedi'i roi i unigolyn i weld ystadegau cyn eu rhyddhau o dan baragraff 1, neu pan fo ystadegau wedi'u datgelu i unigolyn o dan baragraff 6.

(2) Heb ragfarnu paragraff 6, rhaid i'r unigolyn beidio â datgelu'r ystadegau, na'r un awgrym o'r hyn y maent yn ei gynnwys neu'r hyn y gallent ei ddangos.

(3) Yn achos unigolyn y rhoddwyd caniatâd iddo weld ystadegau cyn eu rhyddhau o dan baragraff 1, rhaid i'r unigolyn hwnnw ddefnyddio'r ystadegau at y diben y rhoddwyd y caniatâd ar ei gyfer yn unig.

(4) Yn achos unigolyn y mae'r ystadegau wedi'u datgelu iddo o dan baragraff 6 gan berson y rhoddwyd caniatâd iddo i'w gweld cyn eu rhyddhau o dan baragraffau 1(1)(a) i (e), rhaid i'r unigolyn hwnnw ddefnyddio'r ystadegau er mwyn rhoi cymorth gweinyddol neu dechnegol i'r person hwnnw yn unig.

(5) Rhaid i'r unigolyn gymryd camau rhesymol tuag at sicrhau—

- (a) na chaiff yr ystadegau eu datgelu heblaw fel y'i caniateir gan y Gorchymyn hwn; a
- (b) na ddatgelir yr un awgrym o'r hyn y maent yn ei gynnwys neu'r hyn y gallent ei ddangos.

(6) Rhaid i'r unigolyn beidio â defnyddio'r ystadegau i sicrhau enillion personol.

(7) Os oes gan yr unigolyn sail resymol dros gredu—

- (a) bod yr ystadegau wedi'u datgelu heblaw fel y'i caniateir gan y Gorchymyn hwn; neu
- (b) bod awgrym o'r hyn y mae'r ystadegau'n ei gynnwys, neu o'r hyn y gallent ei ddangos, wedi'i ddatgelu; neu
- (c) bod yna berygl y ceir datgeliad a grybwyllir yn is-baragraff (a) neu (b),

rhaid i'r unigolyn gydymffurfio ag is-baragraff (8).

(8) Cyn gynted ag y bo'n rhesymol ymarferol rhaid i'r unigolyn gymryd pob cam rhesymol ymarferol i roi gwybod i'r person cyfrifol am y datgeliad neu'r datgeliad posibl.

(9) Rhaid i'r unigolyn beidio â cheisio newid fformat, cynnwys nac amser cyhoeddi'r ystadegau, ac eithrio yn unol ag is-baragraff (10).

(1) 1971 p. 80.

(6) The periods of time mentioned in sub-paragraph (1) ("24 hours" and "day") exclude any period of time which falls within a Saturday, a Sunday, Christmas Day, Good Friday, or a day which is a Bank Holiday under the Banking and Financial Dealings Act 1971(1) in any part of the United Kingdom.

Requirements where pre-release access has been granted

5.–(1) This paragraph applies where an individual has been granted pre-release access under paragraph 1 in respect of statistics, or where statistics have been disclosed to an individual under paragraph 6.

(2) Without prejudice to paragraph 6, the individual must not disclose the statistics, or any indication of their content or of what they may show.

(3) In the case of an individual who has been granted pre-release access under paragraph 1, that individual must use the statistics only for the purpose for which such access was granted.

(4) In the case of an individual to whom the statistics have been disclosed under paragraph 6 by a person who has been granted pre-release access to them under paragraphs 1(1)(a) to (g), that individual must use the statistics only for the purpose of providing that person with administrative or technical support.

(5) The individual must take reasonable steps towards ensuring—

- (a) that the statistics are not disclosed otherwise than is permitted by this Order; and
- (b) that no indication of their content or of what they may show is disclosed.

(6) The individual must not use the statistics for personal gain.

(7) If the individual has reasonable grounds for believing that—

- (a) the statistics have been disclosed otherwise than is permitted by this Order; or
- (b) an indication of the content of the statistics, or of what they may show, has been disclosed; or
- (c) there is a risk that a disclosure mentioned in sub-paragraph (a) or (b) will be made,

the individual must comply with sub-paragraph (8).

(8) As soon as is reasonably practicable the individual must take all reasonably practicable steps to inform the person responsible of the disclosure or possible disclosure.

(9) The individual must not seek to change the format, content or timing of the publication of the statistics, except in accordance with sub-paragraph (10).

(1) 1971 c. 80.

(10) Os bydd yr unigolyn yn gweld gwallau yn fformat, cynnwys neu amser cyhoeddi'r ystadegau, neu os yw'n dymuno cyflwyno sylwadau arnynt, caiff yr unigolyn fynegi hynny i'r person cyfrifol.

Datgelu ystadegau er mwyn sicrhau cymorth gweinyddol neu dechnegol

6. Caiff unigolyn y rhodddwyd caniatâd iddo weld ystadegau cyn eu rhyddhau ar un o'r seiliau ym mharagraffau 1(1)(a) i (e) ddatgelu i unigolyn adnabyddadwy penodol arall yr ystadegau y rhodddwyd caniatâd i'w gweld iddo mewn perthynas â hwy, ar yr amod bod angen eu datgelu er mwyn galluogi'r unigolyn arall hwnnw i roi cymorth gweinyddol neu dechnegol iddo yn unig.

Hysbysu'r Bwrdd Ystadegau pan roddir caniatâd i weld ystadegau cyn eu rhyddhau ar y sail ym mharagraff 1(1)(f)

7. Pan roddir caniatâd i weld ystadegau cyn eu rhyddhau ar y sail ym mharagraff 1(1)(f) rhaid i'r person cyfrifol roi gwybod i'r Bwrdd Ystadegau cyn gynted ag y bo'n rhesymol ymarferol am y canlynol—

- (a) enw'r ystadegau y rhodddwyd caniatâd i'w gweld;
- (b) enw a swydd yr unigolyn y rhodddwyd y caniatâd i'w gweld iddo;
- (c) o ba ddyddiad ac amser y rhodddwyd caniatâd i'w gweld i'r unigolyn hwnnw; ac
- (ch) esboniad o'r rheswm dros roi caniatâd i'w gweld.

Torri gofynion paragraff 5

8. Wrth benderfynu a ddylid rhoi caniatâd o dan y Gorchymyn hwn neu beidio i unigolyn weld ystadegau cyn eu rhyddhau, rhaid i'r person cyfrifol gymryd i ystyriaeth unrhyw dystiolaeth y mae'n ymwybodol ohoni sydd, yn ei farn ef, yn awgrymu unrhyw rai o'r canlynol—

- (a) bod yr unigolyn wedi methu â chydymffurfio â gofynion paragraff 5, neu y gallai fod wedi methu â chydymffurfio â hwy o'r blaen;
- (b) bod unigolyn arall y mae'r unigolyn hwnnw wedi datgelu ystadegau iddo o'r blaen o dan baragraff 6 wedi methu â chydymffurfio â gofynion paragraff 5, neu y gallai fod wedi methu â chydymffurfio â hwy;
- (c) bod caniatâd blaenorol a roddwyd i'r unigolyn hwnnw o dan y Gorchymyn hwn i weld ystadegau cyn eu rhyddhau wedi arwain at ddatgelu'r ystadegau hynny mewn modd na roddwyd caniatâd ar ei gyfer gan y Gorchymyn hwn, neu y gallai fod wedi arwain at hynny;
- (ch) bod caniatâd blaenorol a roddwyd i'r unigolyn hwnnw o dan y Gorchymyn hwn i weld ystadegau cyn eu rhyddhau wedi arwain at

(10) If the individual identifies errors in, or wishes to comment on the format, content or timing of the publication of the statistics, the individual may communicate that to the person responsible.

Disclosure of statistics for purposes of receiving administrative or technical support

6. An individual who has been granted pre-release access under a ground in paragraphs 1(1)(a) to (g) may disclose to another particular identifiable individual the statistics in respect of which they have been granted access, provided that the disclosure is necessary for, and solely for the purpose of, enabling that other individual to provide them with administrative or technical support.

Notification to Statistics Board where pre-release access is granted under the ground in paragraph 1(1)(h)

7. Where pre-release access is granted under the ground in paragraph 1(1)(h) the person responsible must as soon as is reasonably practicable notify the Statistics Board of—

- (a) the name of the statistics in respect of which access was granted;
- (b) the name and position of the individual to whom access was granted;
- (c) the date and time from which that individual was given access; and
- (d) an explanation of the reason for granting access.

Breach of the requirements of paragraph 5

8. Where deciding whether or not to grant pre-release access to an individual under this Order, the person responsible must take into account any evidence of which they are aware which, in their opinion, indicates any of the following—

- (a) that the individual has, or may have, previously failed to comply with the requirements of paragraph 5;
- (b) that another individual to whom that individual has previously disclosed statistics under paragraph 6 has, or may have, failed to comply with the requirements of paragraph 5;
- (c) that a previous grant to that individual under this Order of pre-release access in respect of statistics has, or may have, given rise to a disclosure of those statistics which was not permitted by this Order;
- (d) that a previous grant to that individual under this Order of pre-release access in respect of statistics has, or may have, given rise to a

ddatgelu awgrym o'r hyn yr oedd yr ystadegau hynny'n ei gynnwys neu o'r hyn y gallent fod wedi'i ddangos neu y gallai fod wedi arwain at hynny.

disclosure of an indication of the content of those statistics or of what they may have shown.

Cadw cofnodion

9.–(1) O ran unrhyw ystadegau y mae'r person cyfrifol wedi rhoi caniatâd o dan y Gorchymyn hwn i'w gweld cyn eu rhyddhau, rhaid i'r person cyfrifol wneud cofnodion o'r canlynol, cyn gynted ag y bo'n rhesymol ymarferol–

- (a) enw'r ystadegau;
- (b) enw, swydd a manylion cysylltu unrhyw unigolyn y mae wedi rhoi caniatâd i'w gweld iddo;
- (c) o ba ddyddiad ac amser y rhoddwyd caniatâd i'w gweld i'r unigolyn hwnnw;
- (ch) ar ba sail ym mharagraffau 1(1)(a) i (f) y rhoddwyd caniatâd i'w gweld;
- (d) pan fo caniatâd i'w gweld wedi'i roi ar y sail ym mharagraff 1(1)(f), y diben a oedd i'w gyflawni drwy roi'r caniatâd;
- (dd) unrhyw drafodaethau neu ohebiaeth gyda'r unigolyn ynghylch fformat, cynnwys neu amser cyhoeddi'r ystadegau;
- (e) unrhyw wybodaeth y mae wedi'i hysbysu i'r Bwrdd Ystadegau o dan baragraffau 4(4) neu 7;
- (f) unrhyw wybodaeth a roddwyd iddo o dan baragraff 5(8), ynghyd â manylion pa bryd y rhoddwyd yr wybodaeth honno iddo a chan bwy;
- (ff) unrhyw wybodaeth a gafodd am fethiant posibl gan unrhyw unigolyn i gydymffurfio â gofynion paragraff 5, ynghyd â manylion pa bryd y rhoddwyd yr wybodaeth honno iddo a chan bwy;
- (g) unrhyw wybodaeth a gafodd am unrhyw ddatgeliad o'r ystadegau a oedd heb ei ganiatáu gan y Gorchymyn hwn, ynghyd â manylion pa bryd y rhoddwyd yr wybodaeth honno iddo a chan bwy; ac
- (ng) unrhyw wybodaeth a gafodd am unrhyw ddatgeliad sy'n rhoi awgrym o'r hyn yr oedd yr ystadegau'n ei gynnwys neu o'r hyn y gallent fod wedi'i ddangos, ynghyd â manylion pa bryd y rhoddwyd yr wybodaeth honno iddo a chan bwy.

(2) Rhaid i'r cofnodion gael eu cadw gan y person cyfrifol am gyfnod o nid llai na saith mlynedd o ddyddiad cyhoeddi'r ystadegau y maent yn ymwneud â hwy.

Record-keeping

9.–(1) In relation to any statistics in respect of which the person responsible has granted pre-release access under this Order, the person responsible must make, as soon as is reasonably practicable, records of–

- (a) the name of the statistics;
- (b) the name, position and contact details of any individual to whom they have granted access;
- (c) the date and time from which that individual was given access;
- (d) the ground in paragraphs 1(1)(a) to (h) under which access was granted;
- (e) where access has been granted under the ground in paragraph 1(1)(h), the purpose to be achieved by the access;
- (f) any discussions or correspondence with the individual about the format, content or timing of the publication of the statistics;
- (g) any information which they have notified to the Statistics Board under paragraphs 4(4) or 7;
- (h) any information given to them under paragraph 5(8), along with the details of when and by whom that information was given to them;
- (i) any information received by them about a possible failure by any individual to comply with the requirements of paragraph 5, along with the details of when and by whom that information was given to them;
- (j) any information received by them about any disclosure of the statistics which was not one which was permitted by this Order, along with the details of when and by whom that information was given to them; and
- (k) any information received by them about any disclosure of an indication of the content of the statistics or of what they may have shown, along with the details of when and by whom that information was given to them.

(2) The records must be retained by the person responsible for a period of no less than 7 years from the date of the publication of the statistics to which they relate.

Cyhoeddi

10.–(1) Rhaid i'r person cyfrifol sicrhau cyhoeddi bob blwyddyn, ar 1 Ionawr neu cyn gynted ag y bo'n rhesymol ymarferol ar ôl y dyddiad hwnnw, restr o enwau'r ystadegau y mae wedi rhoi caniatâd i'w gweld cyn eu rhyddhau yn y deuddeng mis yn union cyn y dyddiad hwnnw.

(2) Rhaid i'r person cyfrifol sicrhau bod trefniadau wedi'u gwneud tuag at sicrhau bod ystadegau y mae'n berson cyfrifol ar eu cyfer, ac y mae'r Atodlen hon yn gymwys iddynt, yn cael eu trin yn unol â'r Gorchymyn hwn.

(3) Rhaid i'r person cyfrifol sicrhau cyhoeddi, cyn gynted ag y bo'n rhesymol ymarferol, esboniad o'r trefniadau a grybwyllir yn is-baragraff (2).

(4) Os diwygir y trefniadau a grybwyllir yn is-baragraff (2), rhaid i'r person cyfrifol sicrhau cyhoeddi, cyn gynted ag y bo'n rhesymol ymarferol ar ôl i'r diwygiadau gael eu gwneud, esboniad o'r trefniadau diwygiedig.

Darparu gwybodaeth

11.–(1) Yn ddarostyngedig i is-baragraff (3), rhaid i'r person cyfrifol, os caiff gais am wybodaeth sy'n bodloni'r meini prawf yn is-baragraff (2), roi'r wybodaeth honno i'r ceisydd heb fod yn hwyrach na'r ugeinfed diwrnod gwaith ar ôl y diwrnod y caiff y cais.

(2) Y meini prawf yw bod yr wybodaeth wedi'i chynnwys mewn cofnodion y mae'r person cyfrifol wedi'u gwneud at ddibenion unrhyw rai o baragraffau 9(1)(a) i (e) ac nid yn fanylion cysylltu sydd wedi'u cofnodi at ddibenion paragraff 9(1)(b).

(3) At ddibenion y paragraff hwn, ystyr cais yw cais sydd—

- (a) mewn ysgrifen;
- (b) yn dod i law ar ffurf ddarllenadwy;
- (c) yn datgan enw'r ceisydd a chyfeiriad gohebu; ac
- (ch) yn rhoi disgrifiad digonol o'r wybodaeth a geisir.

©© Hawlfraint y Goron 2009

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

Publication

10.–(1) The person responsible must ensure that each year, on 1 January or as soon as is reasonably practicable after that date, there is published a list of the names of the statistics to which they have granted pre-release access in the twelve months immediately prior to that date.

(2) The person responsible must ensure that there are arrangements in place towards ensuring that statistics in respect of which they are the person responsible, and to which this Schedule applies, are dealt with in accordance with this Order.

(3) The person responsible must ensure that, as soon as is reasonably practicable, there is published an explanation of the arrangements mentioned in sub-paragraph (2).

(4) If the arrangements mentioned in sub-paragraph (2) are revised, the person responsible must ensure that, as soon as is reasonably practicable after those revisions are made, there is published an explanation of the revised arrangements.

Provision of information

11.–(1) Subject to sub-paragraph (3), the person responsible must, if a request is received by them for information which meets the criteria in sub-paragraph (2), provide the requester with that information no later than the twentieth working day after the day on which they receive the request.

(2) The criteria are that the information is contained in records which the person responsible has made for the purposes of any of paragraphs 9(1)(a) to (g) and are not contact details recorded for the purpose of paragraph 9(1)(b).

(3) For the purposes of this paragraph a request means a request which—

- (a) is in writing;
- (b) is received in legible form;
- (c) states the name of the requester and an address for correspondence; and
- (d) adequately describes the information requested.

© Crown copyright 2009

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

OFFERYNNAU STATUDOL
CYMRU

2009 Rhif 2818 (Cy.244)

YSTADEGAU SWYDDOGOL

Gorchymyn Gweld Ystadegau
Swyddogol cyn eu Rhyddhau
(Cymru) 2009

WELSH STATUTORY
INSTRUMENTS

2009 No. 2818 (W.244)

OFFICIAL STATISTICS

The Pre-release Access to Official
Statistics (Wales) Order
2009