



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2017 Rhif 886 (Cy. 214)

2017 No. 886 (W. 214)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Gwybodaeth
am Fyfywrwr) (Cymru) 2017**

**The Education (Student
Information) (Wales) Regulations
2017**

NODYN ESBONIADOL

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn rhagnodi'r personau a'r categorïau o bersonau y caiff person yng Nghymru ddarparu gwybodaeth am fyfyrwrwr iddynt. Mae'r Rheoliadau hefyd yn rhagnodi'r math o wybodaeth am fyfyrwrwr y caniateir iddi gael ei rhannu a'r amgylchiadau pan ganiateir i'r wybodaeth honno gael ei rhannu.

Mae rheoliadau 3 i 7 yn rhagnodi'r amgylchiadau pan ganiateir i wybodaeth am fyfyrwrwr gael ei rhannu.

Mae rheoliad 5 yn darparu y caiff Gweinidogion Cymru neu goladydd gwybodaeth ddarparu gwybodaeth am fyfyrwrwr i'r llall, i berson rhagnodedig neu i gategori rhagnodedig o berson os yw'r wybodaeth honno yn ymwneud â pherson sydd, neu a oedd, wedi ymrestru neu wedi ei gofrestru â darparwr dysgu at ddiben cael cymhwyster penodedig.

Mae rheoliad 6 yn darparu y caiff person ddarparu gwybodaeth am fyfyrwrwr i Weindogion Cymru neu goladydd gwybodaeth os yw'r wybodaeth honno yn ymwneud â pherson sydd, neu a oedd, wedi ymrestru neu wedi ei gofrestru â darparwr dysgu at ddiben cael cymhwyster penodedig a bod Gweinidogion Cymru neu goladydd gwybodaeth wedi gofyn am yr wybodaeth honno.

Mae rheoliad 7 yn darparu y caiff person (ac eithrio Gweinidogion Cymru neu goladydd gwybodaeth) ddarparu gwybodaeth am fyfyrwrwr i berson rhagnodedig neu gategori rhagnodedig o berson os yw dau amgylchiad wedi eu bodloni. Rhaid i'r wybodaeth ymwneud â pherson sydd, neu a oedd, wedi ymrestru neu wedi ei gofrestru â darparwr dysgu at ddiben cael cymhwyster penodedig. Yn ogystal, mae'r person, neu roedd y person, y mae'r wybodaeth yn ymwneud ag ef

These Regulations prescribe the persons and the categories of persons to whom a person in Wales may provide student information. The Regulations also prescribe the type of student information that may be shared and the circumstances in which that information may be shared.

Regulations 3 to 7 prescribe the circumstances in which student information may be shared.

Regulation 5 provides that the Welsh Ministers or an information collator may provide student information to the other, to a prescribed person or to a prescribed category of person if that information relates to a person who is or was enrolled or registered with a learning provider for the purpose of obtaining a specified qualification.

Regulation 6 provides that student information may be provided by a person to the Welsh Ministers or an information collator if that information relates to a person who is or was enrolled or registered with a learning provider for the purpose of obtaining a specified qualification and the Welsh Ministers or an information collator has requested that information.

Regulation 7 provides that student information may be provided by a person (other than the Welsh Ministers or an information collator) to a prescribed person or a prescribed category of person if two circumstances are met. The information must relate to a person who is or was enrolled or registered with a learning provider for the purpose of obtaining a specified qualification. In addition the person to whom the information relates is or was enrolled or registered

wedi ymrestru neu wedi ei gofrestru â'r person sy'n darparu'r wybodaeth; neu mae'n ymgymryd ag addysg neu hyfforddiant, neu wedi ymgymryd ag addysg neu hyfforddiant, gyda'r person sy'n darparu'r wybodaeth.

Mae cymhwyster penodedig yn gymhwyster perthnasol sy'n gymwys i gael cyllid gan Weinidogion Cymru yn rhinwedd Deddf Dysgu a Sgiliau 2000 neu Ddeddf Cymwysterau Cymru 2015.

Mae rheoliad 8 ac Atodlen 1 yn rhagnodi'r wybodaeth am fyfyrwyr y caniateir iddi gael ei darparu.

Mae rheoliad 9 ac Atodlen 2 yn rhagnodi'r personau a'r categorïau o bersonau y caniateir i wybodaeth gael ei darparu iddynt.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

with the person providing the information; or is or has undertaken education or training with the person providing the information.

A specified qualification is a relevant qualification that is eligible to receive funding from the Welsh Ministers by virtue of the Learning and Skills Act 2000 or the Qualifications Wales Act 2015.

Regulation 8 and Schedule 1 prescribe the student information that may be provided.

Regulation 9 and Schedule 2 prescribe the persons and the categories of persons to whom information may be provided.

The Welsh Ministers Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**Rheoliadau Addysg (Gwybodaeth
am Fyfyrrwyr) (Cymru) 2017**

**The Education (Student
Information) (Wales) Regulations
2017**

Gwnaed 7 Medi 2017

Made 7 September 2017

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 11 Medi 2017

Laid before the National Assembly for Wales
11 September 2017

Yn dod i rym 6 Hydref 2017

Coming into force 6 October 2017

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 253A(2) a (3) ac adran 262(3) o Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009(1), yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred by section 253A(2) and (3) and section 262(3) of the Apprenticeships, Skills, Children and Learning Act 2009(1), make the following Regulations:

Enwi, cychwyn a chymhwyso

Title, commencement and application

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Gwybodaeth am Fyfyrrwyr) (Cymru) 2017.

1.—(1) The title of these Regulations is the Education (Student Information) (Wales) Regulations 2017.

(2) Daw'r Rheoliadau hyn i rym ar 6 Hydref 2017 ac maent yn gymwys o ran Cymru.

(2) These Regulations come into force on 6 October 2017 and apply in relation to Wales.

Dehongli

Interpretation

2. Yn y Rheoliadau hyn—

2. In these Regulations—

ystyr “cymhwyster penodedig” (“*specified qualification*”) yw cymhwyster perthnasol ac, ar y dyddiad pan fo'r person wedi ei gofnodi ar gyfer y cymhwyster hwnnw—

“the 2009 Act” (“*Deddf 2009*”) means the Apprenticeships, Skills, Children and Learning Act 2009;

(a) roedd wedi ei gymeradwyo o dan adran 99 o Ddeddf Dysgu a Sgiliau 2000(2) at ddibenion adran 96 o'r Ddeddf honno;

“the 2015 Act” (“*Deddf 2015*”) means the Qualifications Wales Act 2015(2);

(b) mae wedi ei gymeradwyo o dan Ran 4 o Ddeddf 2015;

“learning provider” (“*darparwr dysgu*”) means a person providing education or training developed to meet the needs of a person aged 16 and above

(1) 2009 p. 22; mewnosodwyd adran 253A gan adran 79 o Ddeddf Busnesau Bach, Menter a Chyflogaeth 2015 (p. 26). Diwygiwyd adran 253A gan adran 58 o Ddeddf Cymwysterau Cymru 2015 (dccc 5), a pharagraff 9 o Atodlen 4 iddi.

(2) 2000 p. 21; diddymwyd adran 99 gan Ddeddf Cymwysterau Cymru 2015, adran 58, Atodlen 4, paragraff 3(1), (5).

(1) 2009 c. 22; section 253A was inserted by section 79 of the Small Business, Enterprise and Employment Act 2015 (c. 26). Section 253A was amended by section 58 of, and paragraph 9 of, Schedule 4 to the Qualifications Wales Act 2015 (anaw 5).

(2) 2015 anaw 5.

- (c) mae wedi ei ddynodi o dan adran 29 o Ddeddf 2015; neu
- (d) mae'n deillio o gwrs addysg neu hyfforddiant sydd wedi ei ddynodi gan Weinidogion Cymru yn rhinwedd adran 34(8) o Ddeddf 2015;
- ystyr "darparwr dysgu" ("*learning provider*") yw person sy'n darparu addysg neu hyfforddiant a ddatblygwyd i ddiwallu anghenion person sy'n 16 oed ac yn hŷn y ceir cyllid amdani neu amdano gan Weinidogion Cymru;
- ystyr "Deddf 2009" ("*the 2009 Act*") yw Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009;
- ystyr "Deddf 2015" ("*the 2015 Act*") yw Deddf Cymwysterau Cymru 2015(1).

Amgylchiadau rhagnodedig

3. Mae rheoliad 5 yn rhagnodi'r amgylchiadau at ddibenion adran 253A(2) o Ddeddf 2009 pan gaiff Gweinidogion Cymru neu goladydd gwybodaeth ddarparu gwybodaeth am fyfyrwyr.

4. Mae rheoliadau 6 a 7 yn rhagnodi'r amgylchiadau at ddibenion adran 253A(2) o Ddeddf 2009 pan gaiff person ac eithrio Gweinidogion Cymru neu goladydd gwybodaeth ddarparu gwybodaeth am fyfyrwyr.

5. Yr amgylchiadau y cyfeirir atynt yn rheoliad 3 yw bod yr wybodaeth yn ymwneud ag unigolyn sydd, neu a oedd, wedi ymrestru neu wedi ei gofrestru â darparwr dysgu at ddiben cael cymhwyster penodedig.

6. Yr amgylchiadau y cyfeirir atynt yn rheoliad 4 pan fo'r wybodaeth i gael ei darparu i Weinidogion Cymru neu goladydd gwybodaeth yw—

- (a) bod yr wybodaeth yn ymwneud ag unigolyn sydd, neu a oedd, wedi ymrestru neu wedi ei gofrestru â darparwr dysgu at ddiben cael cymhwyster penodedig; a
- (b) bod Gweinidogion Cymru neu'r coladydd gwybodaeth wedi gofyn am yr wybodaeth honno.

7. Yr amgylchiadau y cyfeirir atynt yn rheoliad 4 pan fo'r wybodaeth i gael ei darparu i berson rhagnodedig neu gategori rhagnodedig o berson yw—

- (a) bod yr wybodaeth yn ymwneud ag unigolyn sydd, neu a oedd, wedi ymrestru neu wedi ei gofrestru â darparwr dysgu at ddiben cael cymhwyster penodedig; a

for which funding is received from the Welsh Ministers;

"specified qualification" ("*cymhwyster penodedig*") means a relevant qualification that at the date of a person's entry for that qualification—

- (a) was approved under section 99 of the Learning and Skills Act 2000(1) for the purposes of section 96 of that Act;
- (b) is approved under Part 4 of the 2015 Act;
- (c) is designated under section 29 of the 2015 Act; or
- (d) is one that leads from a course of education or training designated by the Welsh Ministers by virtue of section 34(8) of the 2015 Act.

Prescribed circumstances

3. Regulation 5 prescribes the circumstances for the purposes of section 253A(2) of the 2009 Act where the Welsh Ministers or an information collator may provide student information.

4. Regulations 6 and 7 prescribe the circumstances for the purposes of section 253A(2) of the 2009 Act where a person other than the Welsh Ministers or an information collator may provide student information.

5. The circumstances referred to in regulation 3 are that the information relates to an individual who is or was enrolled or registered with a learning provider for the purpose of obtaining a specified qualification.

6. The circumstances referred to in regulation 4 where the information is to be provided to the Welsh Ministers or an information collator are—

- (a) the information relates to an individual who is or was enrolled or registered with a learning provider for the purpose of obtaining a specified qualification; and
- (b) the Welsh Ministers or the information collator has requested that information.

7. The circumstances referred to in regulation 4 where the information is to be provided to a prescribed person or a prescribed category of person are—

- (a) the information relates to an individual who is or was enrolled or registered with a learning provider for the purpose of obtaining a specified qualification; and

(1) 2015 decc 5.

(1) 2000 c. 21; section 99 was repealed by the Qualifications Wales Act 2015, section 58, Schedule 4, paragraph 3(1), (5).

- (b) o ran yr unigolyn y mae'r wybodaeth yn ymwneud ag ef—
- (i) ei fod, neu yr oedd, wedi ymrestru neu wedi ei gofrestru â'r person sy'n darparu'r wybodaeth; neu
 - (ii) ei fod, neu oedd ei fod wedi, ymgymryd ag addysg neu hyfforddiant gyda'r person sy'n darparu'r wybodaeth.

- (b) the individual to whom the information relates—
- (i) is or was enrolled or registered with the person providing the information; or
 - (ii) is or has undertaken education or training with the person providing the information.

Gwybodaeth ragnodedig am fyfyrwyr

8. Mae'r disgrifiad o wybodaeth am fyfyrwyr a bennir yn Atodlen 1 wedi ei ragnodi at ddibenion adran 253A(2) o Ddeddf 2009.

Personau rhagnodedig a chategoriâu rhagnodedig o bersonau

9.—(1) Mae'r personau yn Rhan 1 o Atodlen 2 wedi eu rhagnodi at ddibenion adran 253A(2)(c) o Ddeddf 2009.

(2) Mae'r categorïau o bersonau yn Rhan 2 o Atodlen 2 wedi eu rhagnodi at ddibenion adran 253A(2)(d) o Ddeddf 2009.

Prescribed student information

8. The description of student information specified in Schedule 1 is prescribed for the purposes of section 253A(2) of the 2009 Act.

Prescribed persons and prescribed categories of persons

9.—(1) The persons in Part 1 of Schedule 2 are prescribed for the purposes of section 253A(2)(c) of the 2009 Act.

(2) The categories of persons in Part 2 of Schedule 2 are prescribed for the purposes of section 253A(2)(d) of the 2009 Act.

Alun Davies

Gweinidog y Gymraeg a Dysgu Gydol Oes, o dan awdurdod Ysgrifennydd y Cabinet dros Addysg, un o Weinidogion Cymru.
7 Medi 2017

Minister for Lifelong Learning and the Welsh Language, under authority of the Cabinet Secretary for Education, one of the Welsh Ministers.
7 September 2017

Gwybodaeth ragnodedig am fyfyrwyr

1. Ar gyfer pob unigolyn sy'n ceisio, wedi ceisio neu wedi cael cymhwyster penodedig, yr wybodaeth a ganlyn—

- (a) cyfenw;
- (b) enw cyntaf, neu bob enw cyntaf, os oes mwy nag un;
- (c) rhyw;
- (d) dyddiad geni;
- (e) grŵp ethnig;
- (f) cyfeiriad cartref a chod post;
- (g) rhif unigryw'r dysgwr a ddyrannwyd i unigolyn gan y Gwasanaeth Cofnodion Dysgu(1);
- (h) y cymwysterau perthnasol neu'r cymwysterau rheoleiddiedig, os oes rhai, sydd gan yr unigolyn wrth ymrestru neu gofrestru â'r darparwr dysgu at ddiben cael cymhwyster penodedig;
- (i) y dyddiad pan gofrestrodd, neu pan ymrestrodd, yr unigolyn â darparwr dysgu at ddiben cael cymhwyster penodedig.

2. Enw a chyfeiriad y darparwr dysgu y mae'r unigolyn, neu yr oedd yr unigolyn, wedi ymrestru neu wedi ei gofrestru ag ef.

3. Ar gyfer pob cymhwyster penodedig y mae unigolyn yn ei geisio, wedi ei geisio, neu wedi ei gael—

- (a) enw'r cymhwyster;
- (b) y cod adnabod unigryw a ddyrannwyd i'r cymhwyster gan Gymwysterau Cymru(2);
- (c) y radd y mae darparwr dysgu neu goladydd gwybodaeth yn rhag-weld y bydd unigolyn yn ei chael cyn sefyll unrhyw arholiad neu asesiad sy'n arwain at y cymhwyster;
- (d) y radd, os oes un, a gafwyd;
- (e) enw a chyfeiriad y ganolfan arholi a rhif y ganolfan arholi, a ddyrannwyd gan y person sy'n dyfarnu'r cymhwyster, y safwyd unrhyw arholiad neu asesiad sy'n arwain at y cymhwyster ynddi;
- (f) y dyddiad pan gofnodwyd unigolyn ar gyfer arholiad neu asesiad sy'n arwain at y cymhwyster;

Prescribed student information

1. For each individual who is seeking, has sought or has obtained a specified qualification, the following information—

- (a) surname;
- (b) first name, or if more than one, each first name;
- (c) gender;
- (d) date of birth;
- (e) ethnic group;
- (f) home address and postcode;
- (g) the unique learner number allocated to an individual by the Learning Records Service(1);
- (h) the relevant qualifications or regulated qualifications, if any, held by the individual on enrolling or registering with the learning provider for the purpose of obtaining a specified qualification;
- (i) the date on which the individual registered or enrolled with a learning provider for the purpose of obtaining a specified qualification.

2. The name and address of the learning provider with whom the individual is or was registered or enrolled.

3. For every specified qualification for which an individual is seeking, has sought or has obtained the—

- (a) name of the qualification;
- (b) unique identification code allocated to the qualification by Qualifications Wales(2);
- (c) grade that a learning provider or an information collator predicts an individual to achieve before taking any examination or assessment leading to the qualification;
- (d) grade, if any, achieved;
- (e) name and address of the examination centre and examination centre number allocated by the person awarding the qualification at which any examination or assessment leading to the qualification was taken;
- (f) date on which an individual was entered for an examination or assessment leading to the qualification;

(1) Cynhelir y Gwasanaeth Cofnodion Dysgu gan yr Asiantaeth Cyllido Addysg a Sgiliau.

(2) Mae Cymwysterau Cymru yn gorff corfforaethol a sefydlwyd gan adran 2 o Ddeddf Cymwysterau Cymru 2015.

(1) The Learning Records Services is maintained by the Education and Skills Funding Agency.

(2) Qualifications Wales is a body corporate established by section 2 of the Qualifications Wales Act 2015.

- (g) y dyddiad pan ddyfarnwyd y cymhwyster;
- (h) y rhif unigryw a ddyrannwyd i unigolyn sy'n ceisio'r cymhwyster gan y person sy'n dyfarnu'r cymhwyster.

- (g) date the award of a qualification was made;
- (h) unique number allocated to an individual seeking the qualification by the person awarding the qualification.

Personau rhagnodedig a categorïau
rhagnodedig o bersonau

RHAN 1

Personau rhagnodedig

- Y Cyd-Gyngor Cymwysterau(1)
- Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru(2)
- Career Choices Dewis Gyrfa Limited (rhif cofrestru'r cwmni 07442837)
- Cyngor Cyllido Addysg Uwch Cymru(3)
- Cyngor Cyllido Addysg Uwch Lloegr(4)
- Cymwysterau Cymru
- Yr Ysgrifennydd Gwladol
- Y Swyddfa Rheoleiddio Cymwysterau ac Arholiadau(5)
- Universities and Colleges Admissions Service (rhif cofrestru'r cwmni 02839815)
- Student Loans Company Limited (rhif cofrestru'r cwmni 02401034)
- Higher Education Statistics Agency Limited (rhif cofrestru'r cwmni 02766993)

RHAN 2

Categorïau rhagnodedig o bersonau

- Darparwr dysgu
- Personau sydd, at ddiben hybu addysg neu lesiant myfyrwyr yng Nghymru, yn—

Prescribed persons and prescribed
categories of persons

PART 1

Prescribed persons

- Joint Council for Qualifications(1)
- Her Majesty's Chief Inspector of Education and Training in Wales(2)
- Career Choices Dewis Gyrfa Limited (company registration number 07442837)
- The Higher Education Funding Council for Wales(3)
- The Higher Education Funding Council for England(4)
- Qualifications Wales
- The Secretary of State
- The Office of Qualifications and Examinations Regulation(5)
- The Universities and Colleges Admissions Service (company registration number 02839815)
- Student Loans Company Limited (company registration number 02401034)
- The Higher Education Statistics Agency Limited (company registration number 02766993)

PART 2

Prescribed categories of persons

- Learning provider
- Persons who, for the purpose of promoting the education or well-being of students in Wales are—

(1) Mae'r Cyd-Gyngor Cymwysterau yn gwmni buddiannau cymunedol sy'n gyfyngedig drwy warant.

(2) Mae Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru wedi ei benodi drwy Orchymyn yn y Cyfrin Gyngor o dan adran 19 o Ddeddf Addysg 2005 (p. 18).

(3) Mae Cyngor Cyllido Addysg Uwch Cymru yn gorff corfforaethol a sefydlwyd o dan adran 62 o Ddeddf Addysg Bellach ac Uwch 1992 (p. 13).

(4) Mae Cyngor Cyllido Addysg Uwch Lloegr yn gorff corfforaethol a sefydlwyd o dan adran 62 o Ddeddf Addysg Bellach ac Uwch 1992.

(5) Mae'r Swyddfa Rheoleiddio Cymwysterau ac Arholiadau yn gorff corfforaethol a sefydlwyd gan adran 127 o Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p. 22).

(1) The Joint Council for Qualifications is a community interest company limited by guarantee.

(2) Her Majesty's Chief Inspector of Education and Training in Wales is appointed by Order in Council under section 19 of the Education Act 2005 (c. 18).

(3) The Higher Education Funding Council for Wales is a body corporate established under section 62 of the Further and Higher Education Act 1992 (c. 13).

(4) The Higher Education Funding Council for England is a body corporate established under section 62 of the Further and Higher Education Act 1992.

(5) The Office of Qualifications and Examination Regulation is a body corporate established by section 127 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22).

- (a) cynnal gwaith ymchwil neu ddadansoddi;
- (b) cynhyrchu ystadegau;
- (c) darparu gwybodaeth, cyngor neu ganllawiau;

ac y mae angen gwybodaeth am fyfyrwyr arnynt at y diben hwnnw.

- (a) conducting research or analysis;
- (b) producing statistics;
- (c) providing information, advice or guidance;

and who require student information for that purpose.

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