



Thomas v Comisiynydd y Gymraeg

Achos Rhif TyG 25/01

PENDERFYNIAD

Wedi ystyried:

- a) Hysbysiad Cais yr Ymgeisydd dyddiedig y 25ain o Chwefror 2026;
- b) Cŵyn yr Ymgeisydd i'r Comisiynydd dyddiedig y 15fed o Ragfyr 2026; ac
- c) Ymateb y Comisiynydd i'r gŵyn honno dyddiedig y 12fed o Chwefror 2026.

Mae'r Tribiwnlys wedi penderfynu:

- 1) Nid oes gan y cais am adolygiad o benderfyniad y Comisiynydd i beidio ag agor ymchwiliad i'r gŵyn unrhyw obaith rhesymol o lwyddiant; ac
- 2) Nid oes unrhyw reswm cymhellol arall pam y dylid clywed y cais.
- 3) Yn unol â hynny, nid yw'r Tribiwnlys yn rhoi caniatâd i'r cais fynd yn ei flaen o dan adran 103 o Fesur y Gymraeg (Cymru) 2011.

RHESYMAU

1. Ar 25 Chwefror 2026, derbyniodd y Tribiwnlys gais yr Ymgeisydd am ganiatâd i adolygu, yn unol ag adran 103 o Fesur y Gymraeg (Cymru) 2011 ('y Mesur'),

benderfyniad y Comisiynydd i beidio â chynnal ymchwiliad i'w gŵyn yn unol ag adran 71 o'r Mesur.

2. Yn ei gŵyn wreiddiol i'r Comisiynydd, cwynodd yr Ymgeisydd ei fod wedi derbyn ymateb yn Saesneg yn unig ar ôl gwneud cais Rhyddid Gwybodaeth yn y Gymraeg i'r Cyngor ar y 10fed o Ragfyr 2025. Gofynnodd i'r Comisiynydd ystyried ei gŵyn yn ffurfiol; nodi bod y Cyngor wedi methu â chydymffurfio â Safonau'r Gymraeg a oedd yn berthnasol ('y Safonau'); ac i gymryd unrhyw gamau priodol i sicrhau nad oedd hyn yn digwydd eto.
3. Yn ei llythyr dyddiedig y 12fed o Chwefror 2026, hysbysodd y Comisiynydd yr Ymgeisydd am ymateb y Cyngor i'r gŵyn. Derbyniodd y Cyngor fod ymateb yn Saesneg yn unig wedi ei roi i'r cais Rhyddid Gwybodaeth, ond dywedodd fod ymateb yn Gymraeg wedi'i ddarparu wedi i'r methiant gael ei dynnu i'w sylw a'u bod wedi ymdduheirio i'r Ymgeisydd. Dywedwyd bod gan y Cyngor dempledi gohebiaeth Cymraeg, ond bod 'gwall dynol' wedi arwain at gollir dangosyddion iaith ar eu cronfa ddata ar yr achlysur hwn. Dywedodd y Cyngor wrth y Comisiynydd fod staff wedi cael eu hatgoffa o'r protocol perthnasol a'u bod wedi cynhyrchu canllawiau i sicrhau bod ymateb i geisiadau Rhyddid Gwybodaeth yn cael eu rhoi yn yr iaith yr oedd yr unigolyn yn gwneud y cais yn ei dewis.
4. Hysbysodd y Comisiynydd yr Ymgeisydd ei bod wedi penderfynu peidio ag agor ymchwiliad oherwydd bod y Cyngor wedi derbyn bod methiant wedi bod i gydymffurfio â'r Safonau a'u bod wedi cymryd camau gwirfoddol i drafod y mater gyda staff perthnasol ac i greu canllawiau sy'n mynd i'r afael â gofynion y Safonau wrth ymdrin â cheisiadau Rhyddid Gwybodaeth. Barn y Comisiynydd, fel y'i mynegwyd i'r Ymgeisydd, oedd na fyddai ymchwiliad yn cyflawni mwy na'r camau gwirfoddol a gymerwyd gan y Cyngor ac, yn unol â hynny, fod ymchwiliad yn ddefnydd anghymesur o adnoddau. Penderfynodd y Comisiynydd roi cyngor i bob awdurdod lleol yng Nghymru i'w atgoffa o'r angen i gydymffurfio â'u rhwymedigaethau o dan y Safonau wrth ymdrin â cheisiadau Rhyddid Gwybodaeth.
5. Yn ei gais, mae'r Ymgeisydd yn dadlau y dylai'r Comisiynydd fod wedi agor ymchwiliad oherwydd (i) bu torri Safonau, waeth beth fo'r camau a gymerwyd i

gywiro'r sefyllfa ar ôl y digwyddiad; (ii) dylai methiant cydnabyddedig i gydymffurfio â Safonau arwain at ymchwiliad i sicrhau atebolrwydd; a (iii) nid yw'r cyfeiriad at 'wall dynol' yn negyddu'r angen am benderfyniad ffurfiol.

1. Ym marn y Tribiwnlys, nid oes unrhyw un o'r dadleuon hyn yn arwain at y casgliad bod penderfyniad y Comisiynydd y tu allan i'r disgresiwn sydd ar gael iddi. Nid oes rhagdybiaeth y dylid agor ymchwiliad pan wneir cwyn i'r Comisiynydd: Bryn v Comisiynydd y Gymraeg TyG/2024/02. Yma, roedd y Comisiynydd wedi cael gwybod am gamau a gymerwyd gan y Cyngor i sicrhau cydymffurfiaeth â Safonau. Roedd hynny'n ystyriaeth berthnasol i'w ystyried, gan fod hynny'n negyddu'r angen am ymchwiliad gyda'r bwriad o ddefnyddio ei phwerau gorfodi.
2. Yn unol â hynny, nid yw'r Tribiwnlys yn derbyn dadl yr Ymgeisydd y dylai'r Comisiynydd fod wedi agor ymchwiliad i'w gwyn. Mae'r Tribiwnlys yn derbyn bod y rhesymau a roddwyd gan y Comisiynydd yn ei llythyr dyddiedig 12fed o Chwefror 2026 yn dystiolaeth i benderfyniad y gallai ei wneud yn yr amgylchiadau oll.

Betsan Criddle CB

Llywydd Tribiwnlys y Gymraeg

11eg o Fawrth 2026



Thomas v Welsh Language Commissioner

Case No. WLT 25/01

DECISION

Having considered:

- a) The Applicant's Notice of Application dated 25 February 2026;
- b) The Applicant's complaint to the Commissioner dated 15 December 2026; and
- c) The Commissioner's response to that complaint dated 12 February 2026.

The Tribunal has determined that:

- 1) The application for a review of the Commissioner's decision not to open an investigation into the complaint has no reasonable prospect of success; and
- 2) There is no other compelling reason why the application should be heard.
- 3) Accordingly, the Tribunal does not grant permission for the application to proceed under section 103 of the Welsh Language (Wales) Measure 2011.

REASONS

3. On 25 February 2026, the Tribunal received the Applicant's application for permission to review, pursuant to section 103 of the Welsh Language (Wales) Measure 2011 ('the Measure'), the Commissioner's decision not to hold an investigation into his complaint pursuant to section 71 of the Measure.
4. In his original complaint to the Commissioner, the Applicant complained that having made a Freedom of Information request in Welsh to the Council on 10 December 2025, he received a response in English only. He asked the Commissioner to consider his complaint formally; to note that the Council had failed to comply with the relevant Welsh Language Standards ('the Standards'); and to take any appropriate steps to ensure that this did not happen again.
5. In her letter of 12 February 2026, the Commissioner informed the Applicant of the Council's response to the complaint. The Council accepted that the request had been responded to in English only but said that a response in Welsh had been provided once this had been drawn to their attention and an apology given to the Applicant. It was said that the Council had Welsh language correspondence templates, but that 'human error' had led to the language indicators on their database being missed on this occasion. The Council told the Commissioner that staff had been reminded of the relevant protocol and that they had produced guidelines to ensure that Freedom of Information requests were responded to in the language of choice of the individual making the request.
6. The Commissioner notified the Applicant that she had decided not to open an investigation because the Council had accepted that there had been a failure to comply with the Standards and had taken voluntary steps to discuss the matter with relevant staff and to create guidelines addressing the requirements of the Standards in dealing with Freedom of Information requests. The Commissioner's view, as expressed to the Applicant, was that an investigation would not achieve more than the voluntary steps taken by the Council and that, accordingly, an investigation was a disproportionate use of resources. The Commissioner determined to give advice to all local authorities in Wales to

remind of the need to comply with their obligations under the Standards in dealing with Freedom of Information requests.

7. In his application, the Applicant argues that the Commissioner should have opened an investigation because (i) there had been a breach of Standards, regardless of the steps taken to rectify the situation after the event; (ii) an acknowledged failure to comply with Standards should lead to an investigation to ensure accountability; and (iii) the reference to 'human error' does not negate the need for a formal decision.
8. In the Tribunal's view, none of these arguments lead to the conclusion that the Commissioner's decision was outside the discretion open to her. There is no presumption that an investigation should be opened when a complaint is made to the Commissioner: Bryn v Welsh Language Commissioner TyG/2024/02. Here, the Commissioner had been notified of steps taken by the Council to ensure compliance with Standards. That was a relevant consideration to take into account, as that negated the need for an investigation with a view to using her enforcement powers.
9. Accordingly, the Tribunal does not accept the Applicant's argument that the Commissioner should have opened an investigation into his complaint. The Tribunal accepts that the reasons given by the Commissioner in her letter of 12 February 2026 evidence a decision that it was open to her to make in all the circumstances.

Betsan Criddle KC

President of the Welsh Language Tribunal

11 March 2026