



Thomas v Comisiynydd y Gymraeg

Achos Rhif: TyG 25/02

PENDERFYNIAD

Wedi ystyried:

1. Hysbysiad Cais yr Ymgeisydd dyddiedig y 25ain o Chwefror 2026;
2. Cŵyn yr Ymgeisydd i'r Comisiynydd dyddiedig yr 16eg o Ragfyr 2026; ac
3. Ymateb y Comisiynydd i'r gŵyn honno dyddiedig y 13eg 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 y 25ain o 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 perthnasol ('y Safonau'); ac i gymryd unrhyw gamau priodol i sicrhau nad oedd hyn yn digwydd eto. Fel sy'n berthnasol i'r cais i'r Tribiwnlys hwn, ni hysbysodd yr Ymgeisydd y Comisiynydd nad oedd y Cyngor wedi darparu ymateb dilynol yn Gymraeg, nac am feddiant ar ran y Cyngor i ymddiheuro am yr ymateb Saesneg.
3. Yn ei llythyr dyddiedig y 13eg o Chwefror 2026, hysbysodd y Comisiynydd yr Ymgeisydd am ymateb y Cyngor i'r gŵyn. Derbyniodd y Cyngor fod y cais wedi cael ymateb yn Saesneg yn unig. Y rheswm a roddwyd am fethu darparu ymateb yn Gymraeg oedd methiant gweinyddol i gyfieithu'r ymateb a baratowyd cyn ei anfon at yr Ymgeisydd. Dywedodd y Cyngor eu bod wedi derbyn 21 o geisiadau Rhyddid Gwybodaeth yn Gymraeg dros 7 mlynedd ac, heblaw am gais yr Ymgeisydd, rhoddwyd ymateb yn Gymraeg i bob un o'r ceisiadau hynny. Dywedodd y Cyngor fod camau wedi'u cymryd i atal methiant eto drwy (i) gyflwyno proses ddilysu cyn cyhoeddi ymatebion; (ii) weithio gyda'u datblygwyr meddalwedd i gynnwys nodweddion Cymraeg a fyddai'n nodi'r angen am ymateb Cymreig i gais yn awtomatig; (iii) gyhoeddi nodiadau atgoffa trwy eitemau agenda mewn cyfarfodydd a thrwy e-bost i'r tîm Rhyddid Gwybodaeth a'r tîm Diogelu Data i ailddatgan rhwymedigaethau'r Cyngor o dan y Safonau wrth ymateb i geisiadau Rhyddid Gwybodaeth a Diogelu Data.
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 mewn cyfarfodydd staff a thrwy e-bost; adolygu a chryfhau eu prosesau mewnol; ac wedi nodi dulliau ar gyfer datblygu'r feddalwedd ar gyfer ymateb i geisiadau Rhyddid Gwybodaeth i dynnu sylw staff at geisiadau Cymraeg a'r

angen i ymateb yn Gymraeg. Penderfynodd y Comisiynydd roi cyngor i bob awdurdod lleol yng Nghymru i'w hatgoffa 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) nad oedd ganddi dystiolaeth annibynnol i gefnogi honiadau'r Cyngor ynghylch y camau a gymerwyd i wella prosesau mewnol; a (ii) nad oedd ef wedi derbyn ymateb yn Gymraeg nac ymddiheuriad, sy'n golygu bod torri Safonau yn barhaus yn ei achos ef.
6. 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. Nid yw'r Ymgeisydd wedi dangos fod rhaid i'r Comisiynydd gael 'tystiolaeth annibynnol' cyn derbyn yr hyn a ddywedwyd wrthi gan y Cyngor. Mae'n ymddangos fod yr Ymgeisydd yn derbyn bod y camau mewnol a gymerwyd yn ddigonol. Roedd y ffaith bod y Comisiynydd wedi cael gwybod am gamau a gymerwyd gan y Cyngor i sicrhau cydymffurfiaeth â'r Safonau yn ystyriaeth berthnasol i'w ystyried, gan fod hynny'n negyddu'r angen am ymchwiliad gyda'r bwriad o ddefnyddio ei phwerau gorfodi. Ni hysbysodd yr Ymgeisydd y Comisiynydd nad oedd wedi derbyn ymateb Cymraeg yn ddiweddarach nac yn cwyno nad oedd wedi derbyn ymddiheuriad. Hyd yn oed pe bai wedi cael gwybod am y materion hynny, nid yw'r Tribiwnlys o'r farn bod hyn yn tanseilio'r penderfyniad a gymerodd y Comisiynydd i beidio ag agor ymchwiliad o ystyried y wybodaeth a gafodd.
7. Yn unol â hynny, nid yw'r Tribiwnlys yn derbyn dadl yr Ymgeisydd y dylai'r Comisiynydd fod wedi agor ymchwiliad i'w gŵyn. Mae'r Tribiwnlys yn derbyn bod y rhesymau a roddwyd gan y Comisiynydd yn ei llythyr dyddiedig y 13eg o Chwefror 2026 yn dystiolaeth i benderfyniad yr oedd yn agored iddi ei wneud o dan yr holl amgylchiadau.

Betsan Criddle CB
Llywydd Tribiwnlys y Gymraeg
11eg o Fawrth 2026



Thomas v Welsh Language Commissioner

Case No. WLT 25/02

DECISION

Having considered:

- a) The Applicant's Notice of Application dated 25 February 2026;
- b) The Applicant's complaint to the Commissioner dated 16 December 2026; and
- c) The Commissioner's response to that complaint dated 13 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

1. 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.

2. 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. As relevant to the application to this Tribunal, the Applicant did not notify the Commissioner that the Council had not provided a subsequent response in Welsh, nor that there had been a failure to apologise for the English language response.
3. In her letter of 13 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. The failure to provide a response in Welsh was attributed to an administrative failure to translate the prepared response before sending it to the Applicant. The Council said that they had received 21 Freedom of Information requests in Welsh over 7 years and, except for the Applicant's request, a response in Welsh had been given to each of those requests. The Council said that steps had been taken to prevent a repeat failure by (i) introducing a verification process before publishing responses; (ii) working with their software developers to include Welsh features that would flag the need for a Welsh response to a request automatically; and (iii) publishing reminders through agenda items in meetings and by e-mail to the Freedom of Information team and Data Protection team to restate the Council's obligations under the Standards in responding to Freedom of Information and Data Protection requests.
4. 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 in staff meetings and by e-mail; to review and strengthen its internal

processes; and had identified methods for developing the software for responding to Freedom of Information requests to draw the attention of staff to Welsh requests and the need to respond in Welsh. 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.

5. In his application, the Applicant argues that the Commissioner should have opened an investigation because (i) she had no independent evidence to support the Council's assertions as to the steps taken to improve internal processes; and (ii) he had not received a Welsh response or an apology, meaning that there was an ongoing breach of Standards in his case.
6. 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. The Applicant has not identified any obligation on the Commissioner to obtain 'independent evidence' before accepting what she was told by the Council. It appears implicit in the Applicant's complaint that he accepts that the internal steps taken were adequate. The fact that the Commissioner had been notified of steps taken by the Council to ensure compliance with Standards was a relevant consideration to take into account, as that negated the need for an investigation with a view to using her enforcement powers. The Applicant did not notify the Commissioner that he had not received a Welsh response at a later date nor complain that he had not received an apology. Even if she had been notified of those matters, the Tribunal does not consider that this undermines the decision that she took not to open an investigation given the information she had received.
7. 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 13

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