

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 May 2017

Public Authority: Social Care Wales
(formerly Care Council for Wales)

Address: South Gate House
Wood Street
Cardiff
CF10 1EW

Decision (including any steps ordered)

1. The complainant requested a complete copy of the Care Council for Wales ('CCW') terminology database in a reusable format. The CCW stated that it did not hold the information requested and it was not held on its behalf by third party. During the course of the Commissioner's investigation the CCW obtained a PDF copy of the information and extracted the text into an editable text document. The CCW maintained its position that it did not hold the information requested in a reusable format. The Commissioner's decision is that the CCW does not hold the information itself, nor is it held by Bangor University ('BU') on behalf of the CCW in accordance with section 3(2)(b) of the FOIA. The Commissioner does not require any steps to be taken.

Request and response

2. On 23 February 2016 the complainant wrote to the CCW and requested information in the following terms:

"O dan Reoliadau Aildddefnyddio Gwybodaeth Sector Cyhoeddus 2015 gofynnaf am gopi cyflawn o Dermau'r Cyngor Gofal. Nodaf eich bod einioes yn darparu copi o'r gwaith yma i Ganolfan Bedwyr, Prifysgol

Bangor. Nid yw Canolfan Bedwyr yn caniatáu mynediad addas i'r gwaith ym, ac felly gofynnaf o dan am well mynediad i'r gwaith.

Termau'r Cyngor Gofal"

(Under Re-use of Public Sector Information 2015 I ask for a complete copy of the Care Council's terminology. I note that you have already provided a copy of this work to Canolfan Bedwyr, Bangor University. Bedwyr Centre does not allow adequate access to this work, and so I am asking for better access to this the work.

Care Council Terminology).

3. The CCW responded on 25 February 2016 and stated that the information requested was available on its website and provided the relevant link.
4. On 25 February 2016 the complainant wrote back to the CCW and explained that he had asked for a copy of all the work and not as a selection appearing on its website ie his request was for access to the whole database. The complainant also indicated that providing access to the information in a CSV file under the Open Government Licence would enable better use of the work.
5. The CCW responded on 22 March 2016 and stated that it was unable to provide a CSV file of its terminology database because it did not retain an electronic copy. It confirmed that the only information it held was that which was available via its website.
6. On 22 March 2016 the complainant wrote back to the CCW and requested an internal review of its handling of the request. He also indicated that if BU held the information in question it would constitute information held on behalf of the CCW.
7. The CCW provided the outcome of its internal review on 25 April 2016. It maintained that it did not hold the information requested and that it did not consider the information requested to be held on its behalf by another organisation.

Scope of the case

8. The complainant contacted the Commissioner on 27 April 2016 to complain about the way his request for information had been handled.
9. During the course of the Commissioner's investigation the CCW obtained a PDF copy of the information in question from BU. The CCW then used

a piece of software to extract the text into an editable text document and provided copies of both documents to the complainant. The CCW explained that it had identified a number of typing errors which had resulted through the extraction process, which could be identified by cross referencing the information with the PDF version. Following this disclosure the complainant indicated that the information provided did not meet the terms of the request and he wished the Commissioner to continue her investigation.

10. The Commissioner considers the scope of her investigation to be to determine if CCW holds the information requested in a reusable format or if it is held on CCW's behalf by another person namely BU.

Reasons for decision

Background

11. The initial information request was made to CCW. On 1 April 2017 the CCW became Social Care Wales. All functions were transferred to Social Care Wales, including the handling of this request. As such, this notice refers to CCW throughout but has been served on Social Care Wales.

Section 3(2) – information held by a public authority

12. Section 1 of the FOIA states that any person making a request for information is entitled to be told whether the public authority holds the information requested and, if held, to be provided with it.
13. Section 3(2) sets out the criteria for establishing if information is held for the purposes of the FOIA:

“For the purposes of this Act, information is held by a public authority if

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(a) it is held by the authority, otherwise than on behalf of another person, or

(b) it is held by another person on behalf of the authority.”

14. The issue for the Commissioner to determine is whether the CCW holds the requested information and, if not, whether it is held by another person, namely BU, on its behalf.

The CCW's position

15. The CCW provided some background information about the terminology 'database'. It explained that the original terminology hard copy book was created in 2002 by its predecessor organisation, the Central Council for Education and Training in Social Work, in conjunction with BU.
16. In January 2015 the CCW commissioned BU's Language Technologies Unit to convert and update the hard copy dictionary into a searchable on line format housed on BU's Maes T dictionary site. As part of the contract the CCW was given an API key. An API key is a piece of software that provides a search box, available on the CCW website, to access the information held on BU's server, and return the relevant result. The API key essentially allows a user to input a word or phrase which is then translated into English/Welsh. The contract with BU did not provide CCW with ownership of the information or any rights to it outside of the API key being available on its website.
17. Up until the complaint to the Commissioner, the CCW confirmed that it did not hold a complete electronic copy of the terminology in any format. The CCW was only able to access the terminology via the API key, in the same way as any other member of the public. However, as stated earlier in this notice, during the course of the Commissioner's investigation the CCW obtained a PDF copy of the information in question from BU, and then extracted it into an editable word document (albeit this extraction process resulted in a number of typing errors).
18. Since it was originally created BU have maintained and updated the dictionary. The CCW are able to suggest amendments and additions to the database to BU, but to date it has not done so. The CCW confirmed that other than the initial payment made to BU to set up the dictionary no further payments have been made to BU for maintenance.

The complainant's position

19. In his internal review request, the complainant stated "nodaf fod wybodaeth dan ofal trydydd parti ar eich rhan dal yn wybodaeth yr ydych yn dal yn ôl y gyfraith" (I note that in law information in the care of a third party on your behalf remains information held by you).
20. In his original request for information the complainant stated that his request for a complete copy of the information was being made "yn unol â Rheoliadau Ailddefnyddio Gwybodaeth Sector Cyhoeddus 2015" (in accordance with the Re-use of Public Sector Information Regulations 2015) ('RPSI'). The Commissioner explained to the complainant that RPSI relates to the re-use of information and how it is made available

and is not about accessing information, which is dealt with under other information access legislation such as the FOIA.

21. RPSI only applies to public sector information which means information that a public authority produces as part of its public task. 'Public task' means an authority's core role and functions, as defined in legislation or established through custom and practice. RPSI does not apply to information that would be exempt from disclosure under the relevant different information access legislation such as the Data Protection Act 1998, the FOIA and the Environmental Information Regulations 2004. RPSI also does not apply to recorded information an authority holds if someone else holds the intellectual property rights (eg copyright or database right). An authority can only permit re-use if it holds the intellectual property rights in the information.
22. In light of the above and the CCW's position that it does not hold the information in question, the Commissioner explained to the complainant that her role in this case is to establish whether the requested information is held by the CCW, or held by a third party on its behalf.

The Commissioner's position

23. In determining whether the information is held by an organisation on behalf on a public authority the Commissioner makes her decision based on the specifics of the case and a number of aspects such as:
 - The relationship between the two parties
 - Whether the public authority has access to the information
 - Whether the public authority has a degree of control over the information
24. The CCW provided the Commissioner with a copy of its engagement letter to BU and confirmed that it was the only 'contract' information held regarding the project. There is somewhat limited information about the contractual relationship between the parties within the engagement letter. However, the letter contains no information which suggests that CCW has ownership or access to a complete copy of the dictionary, outside of the API key on its own website.
25. The Commissioner is aware of a number of circumstances in which it is generally accepted that information is held by another person on behalf of a public authority. These include situations where there is a contractual arrangement and where public authorities are working in partnership arrangements. The Commissioner does not consider any of these situations to be the case here. The relationship between the parties in this case relates primarily to a one-off project to provide a

bilingual dictionary of social work and social care terms, rather than an ongoing exercise. Other than the initial payment, there does not appear to be an 'ongoing' contract between the CCW and BU and no further payments have been made for maintenance of the dictionary of terms.

26. It is evident from the CCW's submissions that it does not have access to a complete copy of the dictionary in a reusable format. In fact, up until the Commissioner's involvement in this complaint, the CCW did not have a complete copy of the dictionary in *any* format. The Commissioner notes that the CCW is able to make suggestions and amendments to the dictionary, which BU would then translate and create dictionary entries for. As such, the CCW has a limited degree of 'control' over what is contained within the dictionary. However, the Commissioner does not consider that this fact alone means that the information is held by BU on behalf of CCW in accordance with section 3(2)(b) of the FOIA.
27. Based on the evidence available and the representations provided by the CCW the Commissioner is satisfied that the CCW does not hold a complete copy of its terminology in a reusable format, and it is not held by BU on behalf of the CCW.

Right of appeal

28. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

29. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
30. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

David Teague
Regional Manager (Wales)
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Deddf Rhyddid Gwybodaeth 2000 (y Ddeddf)

Hysbysiad penderfynu

Dyddiad: 11 Mai 2017

Yr Awdurdod Cyhoeddus: Gofal Cymdeithasol Cymru
(Cyngor Gofal Cymru gynt)

Cyfeiriad: South Gate House
Wood Street
Caerdydd
CF10 1EW

Y penderfyniad (gan gynnwys unrhyw gamau y gorchmynnir eu cymryd)

31. Gofynnodd yr achwynydd am gopi cyflawn o gronfa ddata terminoleg Cyngor Gofal Cymru ('y Cyngor Gofal') mewn fformat a allai gael ei aildefnyddio. Dywedodd y Cyngor Gofal nad oedd yn dal yr wybodaeth y gofynnwyd amdani ac nad oedd honno'n cael ei dal ar ei ran gan drydydd parti. Yn ystod ymchwiliad y Comisiynydd, sicrhaodd y Cyngor Gofal gopi PDF o'r wybodaeth a thynnu'r testun i mewn i ddogfen destun a allai gael ei golygu. Daliai'r Cyngor Gofal at ei safbwynt nad oedd yn dal yr wybodaeth y gofynnwyd amdani mewn fformat a allai gael ei aildefnyddio. Penderfyniad y Comisiynydd yw nad yw'r wybodaeth yn cael ei dal gan y Cyngor Gofal ei hun, ac nad yw'n cael ei dal ychwaith gan Brifysgol Bangor ar ran y Cyngor Gofal yn unol ag adran 3(2)(b) o'r Ddeddf. Nid yw'r Comisiynydd yn gofyn i unrhyw gamau gael eu cymryd.

Y cais a'r ymateb

32. Ar 23 Chwefror 2016 ysgrifennodd yr achwynydd at y Cyngor Gofal gan ofyn am wybodaeth yn y termau a ganlyn:

"O dan Reoliadau Ailddefnyddio Gwybodaeth Sector Cyhoeddus 2015 gofynnaf am gopi cyflawn o Dermau'r Cyngor Gofal. Nodaf eich bod einioes yn darparu copi o'r gwaith yma i Ganolfan Bedwyr, Prifysgol Bangor. Nid yw Canolfan Bedwyr yn caniatáu mynediad addas i'r gwaith ym, ac felly gofynnaf o dan am well mynediad i'r gwaith.

Termau'r Cyngor Gofal"

33. Ymatebodd y Cyngor Gofal ar 25 Chwefror 2016 gan ddweud bod yr wybodaeth y gofynnwyd amdani ar gael ar ei wefan a chan ddarparu'r ddolen berthnasol.
34. Ar 25 Chwefror 2016 ysgrifennodd yr achwynydd yn ôl at y Cyngor Gofal gan esbonio mai am gopi o'r gwaith cyflawn yr oedd wedi gofyn ac nid detholiad fel a welid ar wefan y Cyngor Gofal, hynny yw cais am gael gweld y gronfa ddata gyfan oedd hwn. Nododd yr achwynydd hefyd y byddai darparu mynediad i'r wybodaeth mewn ffeil CSV o dan y Drwydded Llywodraeth Agored yn caniatáu i'r gwaith gael ei ddefnyddio'n well.
35. Ymatebodd y Cyngor Gofal ar 22 Mawrth 2016 gan ddweud na allai ddarparu ffeil CSV o'i gronfa ddata terminoleg am nad oedd ganddo gopi electronig. Cadarnhaodd mai'r hyn oedd ar gael drwy gyfrwng ei wefan oedd yr unig wybodaeth a oedd ganddo.
36. Ar 22 Mawrth 2016 ysgrifennodd yr achwynydd yn ôl at y Cyngor Gofal gan ofyn am adolygiad mewnol o'r modd yr ymdriniwyd â'r cais. Nododd hefyd pe bai Prifysgol Bangor yn dal yr wybodaeth o dan sylw y byddai hynny'n gyfystyr â dal yr wybodaeth ar ran y Cyngor Gofal.
37. Rhoddodd y Cyngor Gofal ganlyniad ei adolygiad mewnol ar 25 Ebrill 2016. Daliai nad oedd yn dal yr wybodaeth y gofynnwyd amdani ac nad oedd o'r farn bod yr wybodaeth y gofynnwyd amdani yn cael ei dal ar ei ran gan sefydliad arall.

Rhychwant yr achos

38. Cysylltodd yr achwynydd â'r Comisiynydd ar 27 Ebrill 2016 i gwyno am y modd yr ymdriniwyd â'i gais am wybodaeth.

39. Yn ystod ymchwiliad y Comisiynydd, sicrhaodd y Cyngor Gofal gopi PDF o'r wybodaeth o dan sylw oddi wrth Brifysgol Bangor. Wedyn defnyddiodd y Cyngor Gofal ddarn o feddalwedd i dynnu'r testun i mewn i ddogfen destun a allai gael ei golygu gan roi copïau o'r ddwy ddogfen i'r achwynydd. Esboniodd y Cyngor Gofal ei fod wedi dod o hyd i nifer o wallau teipio a gafwyd drwy'r broses dynnu, y gellid dod o hyd iddynt drwy groesgyfeirio'r wybodaeth â'r fersiwn PDF. Yn sgil y datgeliad hwn, nododd yr achwynydd nad oedd yr wybodaeth a ddarparwyd yn ateb telerau'r cais a'i fod yn dymuno i'r Comisiynydd barhau â'i hymchwiliad.
40. Mae'r Comisiynydd o'r farn mai rhychwant ei hymchwiliad yw penderfynu a yw'r Cyngor Gofal yn dal yr wybodaeth y gofynnwyd amdani mewn fformat a all gael ei aildefnyddio neu a yw'n cael ei dal ar ran y Cyngor Gofal gan berson arall, sef Prifysgol Bangor.

Y rhesymau dros y penderfyniad

Y cefndir

41. I'r Cyngor Gofal y cafodd y cais cychwynol am wybodaeth ei wneud. Ar 1 Ebrill 2017 daeth Cyngor Gofal Cymru yn Ofal Cymdeithasol Cymru. Cafodd yr holl swyddogaethau eu trosglwyddo i Ofal Cymdeithasol Cymru, gan gynnwys ymdrin â'r cais hwn. Gan hynny, at y Cyngor Gofal y cyfeirir drwy'r hysbysiad hwn, ond i Ofal Cymdeithasol Cymru y mae wedi'i gyflwyno.

Adran 3(2) – gwybodaeth sy'n cael ei dal gan awdurdod cyhoeddus

42. Mae adran 1 o'r Ddeddf yn dweud bod gan unrhyw berson sy'n gwneud cais am wybodaeth hawl i gael gwybod a yw'r awdurdod cyhoeddus yn dal yr wybodaeth y gofynnwyd amdani ac, os yw'n cael ei dal, fod ganddo hawl i'w chael.
43. Mae adran 3(2) yn nodi'r meini prawf ar gyfer sefydlu a yw'r wybodaeth yn cael ei dal at ddibenion y Ddeddf:

"For the purposes of this Act, information is held by a public authority if
—

(a) it is held by the authority, otherwise than on behalf of another person, or

(b) it is held by another person on behalf of the authority."

44. Y mater i'r Comisiynydd yw penderfynu a yw'r Cyngor Gofal yn dal yr wybodaeth y gofynnwyd amdani ac, os nad yw, a yw'r wybodaeth honno'n cael ei dal gan berson arall, sef Prifysgol Bangor, ar ei ran.

Safbwynt y Cyngor Gofal

45. Rhoddodd y Cyngor Gofal rywfaint o wybodaeth gefndir am y 'gronfa ddata' terminoleg. Esboniodd fod y llyfr terminoleg gwreiddiol mewn copi caled wedi'i greu yn 2002 gan y sefydliad a'i rhagflaenodd, y Cyngor Canolog Addysg a Hyfforddiant mewn Gwaith Cymdeithasol, ar y cyd â Phrifysgol Bangor.
46. Yn Ionawr 2015, comisiynodd y Cyngor Gofal yr Uned Technolegau Iaith ym Mhrifysgol Bangor i drosi a diweddarau'r geiriadur copi caled i fformat ar-lein chwiliadwy a gâi ei letya ar wefan geiriaduron Maes T Prifysgol Bangor. Fel rhan o'r contract cafodd y Cyngor Gofal allwedd API. Darn o feddalwedd yw allwedd API sy'n darparu blwch chwilio, sydd ar gael ar wefan y Cyngor Gofal, i gyrchu'r wybodaeth sy'n cael ei dal ar weinydd Prifysgol Bangor, gan roi'r canlyniad perthnasol. Mae'r allwedd API yn y bôn yn caniatáu i ddefnyddiwr fewnbynnu gair neu ymadrodd sydd wedyn yn cael ei gyfieithu i Gymraeg/Saesneg. Wnaeth y contract â Phrifysgol Bangor ddim rhoi perchnogaeth i'r Cyngor Gofal dros yr wybodaeth nac unrhyw hawliau heblaw trefnu bod yr allwedd API ar gael er ei wefan.
47. Hyd at y gŵyn i'r Comisiynydd, cadarnhaodd y Cyngor Gofal nad oedd yn dal copi electronig cyflawn o'r derminoleg mewn unrhyw fformat. Dim ond drwy gyfrwng yr allwedd API y gallai'r Cyngor Gofal gyrchu'r derminoleg, yn yr un modd ag unrhyw aelod arall o'r cyhoedd. Serch hynny, fel y dywedwyd yn gynharach yn yr hysbysiad hwn, yn ystod ymchwiliad y Comisiynydd fe sicrhaodd y Cyngor Gofal gopi PDF o'r wybodaeth o dan sylw oddi wrth Brifysgol Bangor, a'i thynnu wedyn i mewn i ddogfen Word a allai gael ei golygu (er bod y broses dynnu hon wedi arwain at nifer o wallau teipio).
48. Ers ei greu'n wreiddiol, Prifysgol Bangor a fu'n cynnal ac yn diweddarau'r geiriadur. Mae'r Cyngor Gofal yn gallu awgrymu diwygiadau ac ychwanegiadau i'r gronfa ddata i Brifysgol Bangor, ond nid yw wedi gwneud hyd yn hyn. Cadarnhaodd y Cyngor Gofal nad oes taliadau wedi'u rhoi i Brifysgol Bangor am waith cynnal heblaw'r taliad cychwynnol am sefydlu'r geiriadur.

Safbwynt yr achwynydd

49. Yn ei gais am adolygiad mewnol, dywedodd yr achwynydd "nodaf fod wybodaeth dan ofal trydydd parti ar eich rhan dal yn wybodaeth yr ydych yn dal yn ôl y gyfraith".
50. Yn ei gais gwreiddiol am wybodaeth dywedodd yr achwynydd fod ei gais am gopi cyflawn o'r wybodaeth yn cael ei wneud "yn unol â Rheoliadau Ailddefnyddio Gwybodaeth Sector Cyhoeddus 2015". Esboniodd y Comisiynydd i'r achwynydd fod yr RPSI yn ymwneud â chaniatáu ailddefnyddio gwybodaeth a sut y trefnir bod gwybodaeth ar gael ac nad yw'n ymwneud â gweld gwybodaeth, yr ymdrinnir ag ef o dan ddeddfwriaeth arall ynghylch gweld gwybodaeth megis y Ddeddf.
51. Dim ond i wybodaeth y sector cyhoeddus y mae'r RPSI yn gymwys, sef gwybodaeth y bydd awdurdod cyhoeddus yn ei llunio fel rhan o'i dasg gyhoeddus. Ystyr 'tasg gyhoeddus' yw rôl a swyddogaethau craidd yr awdurdod, fel y'u diffinnir mewn deddfwriaeth neu fel y'u sefydlir drwy arfer. Nid yw'r RPSI yn gymwys i wybodaeth a fyddai'n esempt rhag cael ei datgelu o dan y gwahanol ddeddfau perthnasol ynghylch gweld gwybodaeth megis y Ddeddf Diogelu Data 1998, y Ddeddf Rhyddid Gwybodaeth a Rheoliadau Gwybodaeth Amgylcheddol 2004. Nid yw'r RPSI yn gymwys ychwaith i wybodaeth wedi'i chofnodi sydd gan awdurdod os yw'r hawliau eiddo deallusol yn perthyn i rywun arall (e.e. hawlfraint neu hawl dros gronfa ddata). Dim ond os oes ganddo'r hawliau eiddo deallusol dros yr wybodaeth y caiff awdurdod ganiatáu iddi gael ei haildefnyddio.
52. Yng ngoleuni'r uchod a safbwynt y Cyngor Gofal nad yw'n dal yr wybodaeth o dan sylw, esboniodd y Comisiynydd i'r achwynydd mai ei rôl hi yn yr achos hwn yw sefydlu a yw'r wybodaeth y gofynnwyd amdani'n cael ei dal gan y Cyngor Gofal, neu'n cael ei dal gan drydydd parti ar ei ran.

Safbwynt y Comisiynydd

53. Wrth benderfynu a yw'r wybodaeth yn cael ei dal gan sefydliad ar ran awdurdod cyhoeddus mae'r Comisiynydd yn gwneud ei phenderfyniad ar sail manylion yr achos a nifer o agweddau megis:
 - y berthynas rhwng y ddau barti
 - a yw'r awdurdod cyhoeddus yn cael gweld yr wybodaeth
 - a oes gan yr awdurdod cyhoeddus fesur o reolaeth dros yr wybodaeth.

54. Rhoddodd y Cyngor Gofal gopi i'r Comisiynydd o'i llythyr ymglymu i Brifysgol Bangor gan gadarnhau mai dyna'r unig wybodaeth 'contract' a oedd ganddo ynglŷn â'r prosiect. Ceir rhywfaint o wybodaeth gyfyngedig am y berthynas gontractiol rhwng y partion yn y llythyr ymglymu. Serch hynny, does dim gwybodaeth yn y llythyr sy'n awgrymu bod gan y Cyngor Gofal berchnogaeth dros gopi cyflawn o'r geiriadur na mynediad i gopi cyflawn ohono, heblaw'r allwedd API ar ei wefan ei hun.
55. Mae'r Comisiynydd yn ymwybodol o nifer o amgylchiadau lle derbynir yn gyffredinol fod gwybodaeth yn cael ei dal gan berson arall ar ran awdurdod cyhoeddus. Mae'r rhain yn cynnwys sefyllfaoedd lle ceir trefniant contract a lle mae'r awdurdodau cyhoeddus yn gweithio mewn trefniadau partneriaeth. Nid yw'r Comisiynydd o'r farn bod unrhyw un o'r sefyllfaoedd hyn yn wir yma. Mae'r berthynas rhwng y partion yn yr achos hwn yn ymwneud yn bennaf â phrosiect unigol i ddarparu geiriadur dwyieithog o dermau gwaith cymdeithasol a gofal cymdeithasol, yn hytrach nag ymarfer parhaus. Heblaw'r taliad cychwynnol, nid yw'n ymddangos bod contract 'parhaus' rhwng y Cyngor Gofal a Phrifysgol Bangor a does dim rhagor o daliadau wedi'u rhoi am gynnal y geiriadur termau.
56. Mae'n amlwg o sylwadau'r Cyngor Gofal nad oes ganddo fynediad i gopi cyflawn o'r geiriadur ar fformat a all gael ei aildddefnyddio. A dweud y gwir, nes i'r Comisiynydd ymwneud â'r gŵyn hon, doedd gan y Cyngor Gofal ddim copi cyflawn o'r geiriadur mewn *unrhyw* fformat. Mae'r Comisiynydd yn nodi bod y Cyngor Gofal yn gallu gwneud awgrymiadau a diwygiadau i'r geiriadur, y byddai Prifysgol Bangor yn eu cyfieithu wedyn ac yn creu cofnodion yn y geiriadur ar eu cyfer. Gan hynny, mae gan y Cyngor Gofal fesur cyfyngedig o 'reolaeth' dros yr hyn a geir yn y geiriadur. Er hynny, nid yw'r Comisiynydd o'r farn bod y ffaith hon ar ei phen ei hun yn golygu bod yr wybodaeth yn cael ei dal gan Brifysgol Bangor ar ran y Cyngor Gofal yn unol ag adran 3(2)(b) o'r Ddeddf.
57. Ar sail y dystiolaeth sydd ar gael a'r sylwadau a roddwyd gan y Cyngor Gofal mae'r Comisiynydd wedi'i bodloni nad yw'r Cyngor Gofal yn dal copi cyflawn o'i derminoleg ar fformat a all gael ei aildddefnyddio, ac nad yw'n cael ei ddal gan Brifysgol Bangor ar ran y Cyngor Gofal.

Yr hawl i apelio

58. Mae gan y naill barti a'r llall hawl i apelio yn erbyn yr hysbysiad penderfynu hwn i Dribiwnlys yr Haen Gyntaf (Hawliau Gwybodaeth). Mae gwybodaeth am y broses apelio ar gael oddi wrth:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Ffôn: 0300 1234504

Ffacs: 0870 739 5836

Ebost: GRC@hmcts.gsi.gov.uk

Gwefan: www.justice.gov.uk/tribunals/general-regulatory-chamber

59. Os hoffech apelio yn erbyn hysbysiad penderfynu, gallwch gael gwybodaeth am sut i apelio ynghyd â'r ffurflenni perthnasol ar wefan y Tribiwnlys Gwybodaeth.
60. Dylai unrhyw Hysbysiad Apelio gael ei gyflwyno i'r Tribiwnlys o fewn 28 diwrnod (calendr) ar ôl dyddiad anfon yr hysbysiad penderfynu hwn.

Llofnod

**David Teague
Rheolwr Rhanbarthol (Cymru)
Swyddfa'r Comisiynydd Gwybodaeth
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**