

16 July 2025

Dear

ATISN 24941 - Request for Information regarding Updates on Project ARTHUR

Information requested

Thank you for your request which I received on 14 July. You asked whether:

- any recent updates, press releases, or information is available regarding the proposed Project ARTHUR which would produce medical isotopes via a nuclear reactor

Our Response

I can confirm that Project ARTHUR was cited in a Written Statement by the Cabinet Secretary for Economy, Energy and Planning in March 2025. This was in the context of the Welsh Government's Innovation Strategy (Wales Innovates) and its Delivery Plan (Wales Innovates: Creating a Stronger, Fairer, Greener Wales Delivery Plan - One Year On). I can confirm there have been no further updates or press releases since then.

Regarding the provision of other information, I can confirm that information is held on Project ARTHUR including reports and associated personal data.

The policy development around the project is ongoing, has not been completed yet and our process of assessment continues to be iterative and measured, with each stage highlighting further matters that need to be addressed.

As this continues to be work in progress I conclude that under Section 35(1)(a) of the Freedom of Information Act 2000 Formulation of Government Policy, the information is withheld.

As previously stated, associated with those reports is third party personal data which I consider to be exempt under Section 43(2) – Commercial Interests, and Section 40(2) – Personal Data of the Freedom of Information At 2000.

Full reasoning for applying these exemptions is given at Annex A to this letter.

Next steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government's Freedom of Information Officer at: Information Rights Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours Sincerely

ANNEX A

ATISN 24941 – APPLICATION OF EXEMPTIONS

The Freedom of information Act provides a right for anyone to ask a public authority to make requested information available to the wider public. As the release of requested information is to the world, not just the requester, public authorities need to consider the effects of making the information freely available to everybody. Any personal interest the requester has for accessing the information cannot override those wider considerations.

We have decided to withhold all information relating to Project ARTHUR under:

Section 35(1)(a) – Formulation of Government Policy

The Welsh Government believes that all information should be exempt from disclosure under this exemption.

Information held as part of an iterative process, with more research and data being available as the concept of the Medical Radioisotopes and Research Reactor Programme (MRRR Programme) crystallised over time. There are, by now, a number of incorrect assertions in the original documents, which have been corrected in later information as more data was made available.

In order to satisfy the public interest test in relation to the exemption, it is necessary to conclude that the public interest arguments in favour of withholding the information are sufficient to outweigh the public interest arguments in favour of release.

Public interest arguments in favour of disclosure

The Welsh Government recognises the public has an interest in understanding the Government's considerations with industry experts in the development of policy. Policy and priorities in this area continue to be developed to ensure the best possible Programme for Wales.

The Welsh Government also recognises that to release the information now would demonstrate the iterative and scientific approach to the Programme concept that is being developed, as well as enhancing transparency in policy making decisions.

There is a strong public interest in ensuring that Ministers and officials are able to discuss policy options fully and frankly in a protected space. Good government depends on being able to produce the best advice available and to discuss all the options without fear of premature disclosure. It is essential that officials are able to communicate with external parties with relevant knowledge and experience.

Welsh Government officials are therefore meeting with other industry experts, the business community, partners, key stakeholders and organisations and in doing so, are speaking and debating freely and often exploring a variety of options in a free and frank exchange of ideas and experiences. As part of the formulation of policy, it is essential that third parties feel they can provide Government with candid views without fear that the information will be made public, particularly when those views relate to sensitive and ongoing issues.

This communication must include the ability to receive information on a confidential basis or the frankness of the information will inevitably be diminished. Some individuals would be less likely to engage in this way if they thought their views would be revealed, and this would lead to a less strenuous and in depth exploration of options and potentially less robust and effective policies.

It is recognised that as a general rule, the sensitivity of information is likely to reduce over time so that the age of the information or timing of the request may be relevant in determining whether to apply the exemption, or where the public interest may lie.

In this case, however, the information captured is very much current information and relates to policy, which is still in development.

Balance of public interest test

It is essential that a safe space to debate live policy issues away from external interference and distraction is preserved when formulating Government policy. The Welsh Government is therefore of the view that the balance of the public interest falls in favour of withholding information relating to information on forming policy concerning Project ARTHUR.

Section 40(2) – Personal Data

The Welsh Government believes the personal data contained in the information caught by this request should be exempt from disclosure. Section 40(2) of the Freedom of Information Act 2000 (FOIA), together with the conditions in section 40(3)(a)(i) or 40(3)(b), provides an absolute exemption if disclosure of the personal data would breach any of the data protection principles.

‘Personal data’ is defined in sections 3(2) and (3) of the Data Protection Act 1998 (‘the DPA 2018’) and means any information relating to an identified or identifiable living

individual. An identifiable living individual is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

We have concluded that, in this instance, some of the information contained within the information caught by your request for information contains third party personal data. Specifically, this relates to information containing names of individuals, their e-mail addresses and direct telephone numbers.

Under Section 40(2) of the FOIA, personal data is exempt from release if disclosure would breach one of the data protection principles set out in Article 5 of the GDPR. We consider the principle being most relevant in this instance as being the first. This states that personal data must be: *“processed lawfully, fairly and in a transparent manner in relation to the data subject”*

The lawful basis that is most relevant in relation to a request for information under the FOIA is Article 6(1)(f). This states: *“processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child”*.

In considering the application of Article 6(1)(f) in the context of a request for information under FOIA it is necessary to consider the following three-part test:

1. The Legitimate interest test: Whether a legitimate interest is being pursued in the request for information;
2. The Necessity test: Whether disclosure of the information/confirmation or denial that it is held is necessary to meet the legitimate interest in question;
3. 3. The Balancing test: Whether the above interests override the interests, fundamental rights and freedoms of the data subject.

Our consideration of these tests is set out below:

1. Legitimate Interest Test.

Welsh Government recognises there is a legitimate interest in being able to identify the parties involved in any communication in order to follow the flow of that communication. In this case, however, we do not believe there is any legitimate reason

why the personal data would need to be released. The views expressed in the information held are those of the respective organisations rather than those of the individuals concerned. As such the names of the individuals and their associated personal data is irrelevant. The Welsh Government cannot identify any other legitimate interest in you or the public receiving the personal data captured by your request.

1. Is disclosure necessary?

The Welsh Government is of the view that it is not necessary to disclose the personal information caught by your request. As such we do not believe it is necessary to disclose the personal data to allow information to be understood. Nor do we believe it is necessary to disclose personal data in order to allow members of the public to contribute to this, or future discussions on this or any other matter. There are mechanisms by which the public can contact the relevant policy areas, such as generic mailboxes.

1. The Balancing Test

As it has been concluded it is not necessary to disclose the identity of the individuals, there is no requirement to balance the rights and interests of those individuals against the rights, under FOIA, of the requester.

Conclusion

To conclude, as release of the information would not be legitimate under Article 6(1)(f), and as no other condition of Article 6 is deemed to apply, release of the information would not be lawful within the meaning of the first data protection principle. It has therefore been withheld under section 40 of the Freedom of Information Act. Section 40 is an absolute exemption and not subject to the public interest test.

Section 43(2) – Commercial Interests

This exemption is relied upon to withhold information which contains to commercial information received and held by Welsh Government. Section 40 of the Freedom of Information Act is an absolute exemption and not subject to the public interest test. Section 43(2) – Commercial Interests.

This exemption is relied upon to withhold information and reports containing commercial information from and concerning organisations. The Welsh Government is of the view that revealing information would be likely to prejudice the commercial interests of organisations should it be disclosed at this point in time. The information

would reveal financial and technological commercially sensitive information not otherwise publicly available and which, if disclosed would be likely to prejudice the service offering and future strategy of the respective organisations.

Disclosing the information would give any competitors in the nuclear medicine market a distinct commercial advantage, which would be likely to put the organisation's own business at risk. Similarly, information contains sensitive commercial information which would be likely to prejudice ability to engage in future commercial activities in this field.

As with the Section 35 (policy) exemption, in order to satisfy the public interest test in relation to the Section 43 exemption, it is necessary to conclude that the public interest arguments in favour of withholding the information are sufficient to outweigh the public interest arguments in favour of release.

Public Interest Test For Disclosure

The Welsh Government recognises the public interest in openness and transparency within Government, particularly in terms of ensuring an accountable Government by disclosing how the Welsh Government spends public money and that the money is invested wisely. The Welsh Government also recognises that releasing information would provide the public with a better understanding of the potential capital and operational expenditures associated with this Project.

Public Interest Against Disclosure

Disclosure of this information would provide competitors with access to a level of proprietary and unique information not otherwise available to them. This would likely enable competitors to obtain an unfair advantage.

For example, disclosure would allow competitors to understand and potentially copy an organisation's activities, service offering and undercut the organisation causing it financial issues. Similarly, disclosure would place in the public domain information pertaining to an organisation's technology. The information held contains financial workings and supporting analysis together with highly technologically sensitive information organisations. To freely disclose the information would give any competitors a distinct commercial advantage and stepping stone above both organisations, which would be likely to put their businesses at risk and therefore prejudice their ability to engage in future commercial activities.

The organisations do not have access to similar information on their competitors as they do not publish it and so would be at a significant disadvantage. We believe the resultant harm should this information be released, would be substantial.

The Welsh Government is of the view that facilitating the type of unfair competitive advantage described above would not be in the wider public interest. The Welsh Government is also of the view that there is no public interest in prejudicing the commercial interests of the respective organisations by releasing this information, particularly given that the financial analysis is incomplete and requires further work to develop a robust economic and financial argument.

The Welsh Government is of the view that it is not in the public interest to place inaccurate or incomplete information of this kind in the public domain. As with the Section 35 (policy) exemption, the Welsh Government accepts that as a general rule, the sensitivity of information is likely to reduce over time.

However, information contains very much live and current commercial information. The Welsh Government has a level of duty to protect the commercial interests of organisations with which it is engaging, where the release of that information would be likely to reduce the businesses' ability to negotiate or compete in a commercial environment. The Welsh Government is of the view that on balance, the public interest falls in favour of withholding the information.