9 November 2026

Dear

Request for information – ATISN 26-0018

Thank you for your request for information received on 12 October 2026.

Your request

You have asked for the following information regarding the M4 Around Newport Review carried out by Arup on behalf of the Welsh Government:

1. The full terms of reference given to Arup

2. Any instruction given to Arup by any other means to the effect that demand management measures were considered outside the scope of the review.

Our response

I can confirm that the Welsh Government holds the information captured by your request. The information we are releasing to you is attached, however, please note that some of the information is being withheld under Section 32 of the Freedom of Information Act 2000, commercial interests; and Section 40, personal information. Full reasoning for applying these exemptions is appended at Annex A at the bottom of 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: Freedomofinformation@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

Section 43 (2) – Commercial Interests

The information caught by this exemption relates to your request regarding Arup's M4 Around Newport Review. Decisions relating to non-disclosure of this information have been taken with due consideration of the exemptions identified under Section 43(2) of the Freedom of Information Act 2000 (FOIA). This exemption states that:

(*2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).*

Section 43 is a qualified (public interest tested) exemption. This means that in order to engage it, I must show that the public interest in withholding the information is greater than the public interest in releasing it. I have therefore given consideration to the effects of disclosure of the information to the world at large as the information is made available to anybody and everybody, not just the requestor.

Public Interest For Release

I recognise the general public interest in openness and transparency and releasing the information would help the public gain a better understanding of the decisions made by Government. It is also recognised that there is a public interest in how public money is to be, or has been, used to ensure that Government gets the best value from the public purse.

Public Interest Against Release

The redacted information comprises commercially sensitive pricing information, including the total contract value, payment profile for Arup's M4 Around Newport Review, including staff rates. Disclosure would be likely to prejudice Arup's commercial interests by making those rates available to competitors and affecting its ability to compete in future procurement exercises.

Disclosure would also be likely to prejudice the Welsh Government's commercial interests by undermining prospective suppliers' confidence that commercially sensitive information provided during procurement and contract delivery will be appropriately protected.

There is a strong public interest in protecting legitimate commercial interests where disclosure would be likely to cause commercial harm. In this case, withholding the commercially sensitive contractual details relating to the Arup review would protect fair competition in future procurement exercises and the Welsh Government's ability to secure value for money when commissioning similar work.

We must ensure that the Welsh Government can continue to negotiate commercial transactions effectively and protect commercially sensitive information belonging both to itself and third parties.

I am aware that as a general rule, the sensitivity of information is likely to reduce over time, so that the age of 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.

Having considered the competing public interest factors, the Welsh Government has concluded that the public interest in maintaining the exemption outweighs the public interest in disclosure of the withheld information.

Section 40 – Personal Data

Freedom of Information Act 2000, personal data.

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 the following information:

- The personal data contained in the information you have requested under Section 40 of the Freedom of Information Act 2000 (FoIA), personal data.

This Annex sets out the reasons for the engagement of Section 40 of the FoIA.

Engagement of S40(2) – Personal Data

The Welsh Government believes the personal data contained in the information being released with 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 2018 (‘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 contains third party personal data.

Specifically, this relates to names of Arup employees and their email addresses, as well as names of Welsh Government officials and their email addresses.

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 UK 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) of the UK GDPR. 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. 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

The 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. We do not believe, however, there is any legitimate reason why the personal data would need to be released. The review was carried out by Arup as an organisation. The information being released allows the requester to understand the scope of the review and the instructions provided to Arup without identifying individual employees or officials. Disclosure of their names, email addresses or other personal data is therefore not considered necessary to meet that legitimate interest.

The Welsh Government cannot identify any other legitimate interest in you or the public receiving the personal data captured by your request.

2. Is disclosure necessary?

The Welsh Government is of the view that it is not necessary to disclose the personal information caught by your request. It is straight forward, even when

withholding the personal data, to follow and understand the review. As such we do not believe it is necessary to disclose the personal data.

3. The Balancing Test

As it has been concluded that there is no necessity to disclose the personal data of another individual, the fundamental rights and freedoms of the affected third party prevail in this instance and releasing the information cannot be justified under Article 6(1)(f).

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.