

# Directory Persons – Questions and Answers

This user guide helps firms to either submit new Directory Persons data or amend existing Directory Persons information, in bulk. From later this year, Directory Persons information will start being published on the Financial Services Register (FS Register), a public register showing details of key people working in financial services.

Directory Persons consist of:

- all Certified staff (those holding a certification function under the Senior Managers and Certification Regime (SM&CR))
- directors who are not performing Senior Manager Functions (SMFs) – both executive and non-executive
- other individuals who are sole traders or ARs (including those within ARs) where they are undertaking business with clients and require a qualification to do so

Directory Persons information to be published on the FS Register includes:

- name and any previous names
- roles with start and end dates
- activities undertaken

For customer-facing roles requiring qualification:

- customer engagement methods
- workplace location (where relevant)
- Memberships of professional bodies

## Contents

|    |  |    |
|----|--|----|
| 1. | NEW...FAQs from Show and Tell sessions for Solo regulated firms..... | 3  |
| 2. | Policy.....  | 5  |
| 3. | Administration.....  | 6  |
| 4. | Directory Persons data.....  | 7  |
| 5. | Data submission.....   | 14 |
| 6. | Reporting.....   | 14 |
| 7. | Publishing Directory Persons information.....                        | 15 |

# 1. NEW...FAQs from Show and Tell sessions for Solo regulated firms

## **1.1 What date should be used as an individual's start date?**

The date the individual was certified by the firm but no earlier than the relevant start date that the regime came into force for the sector, 9 December 2019 for solo-regulated firms.

## **1.2 What start dates are solo regulated firms expected to include in the start date for Directory Persons (DP) and what happens if someone was a DP on 09.12.19 however left the firm before the annual certification?**

Refer to detailed answer in section 4.11 and 4.12 below, in this document.

## **1.3 For firms who are authorised post 31.3.2021, would completing the register be a part of the FCA application process?**

This information is included in the Firm Welcome letter sent to firms once they are authorised.

## **1.4 What personal information of an individual will be published on the Register?**

This is available on Page 5 of the [Policy document](#). Please read the Policy document

## **1.5 Are the applicant details the person completing the form or the Directory Persons details?**

Applicant details are the details of the person completing the submission

## **1.6 Are the list of criteria within roles and definitions of activities/involvements available to review prior to entering data in connect?**

This is available in the [Policy document](#) - See page 54 - 60

## **1.7 Who should be the authorised signatory?**

The authorised signatory is the individual responsible for submitting the form. However, ultimate responsibility lies with the individual

responsible for the firm's compliance with the certification regime. So, they will need to ensure appropriate governance processes and delegation procedures.

**1.8 Can the multiple upload form be used for multiple firms? For example, where there are multiple directly authorised firms within one Group.**

Submission using a multiple form is only per firm (FRN).

**1.9 Can we use the single amend form for people that we have an IRN for but are not on the FCA register?**

Where an individual's details as a Directory Person have not been previously submitted to us, you should use a Single or Multiple Add form to add details even where they already have an IRN.

**1.10 Can you upload multiple spreadsheets for one firm?**

No, you can only submit one spreadsheet per application.

**1.11 Is there a multiple attestation form?**

No. The attestation is a confirmation that all data held for a firm is up to date and accurate and is not to be completed in respect of each individual.

**1.12 When making changes to errors on the multiple form, is the requirement to submit the whole form again or the lines with the errors?**

The firm would need to re-submit the rows in respect of which errors occurred

**1.13 Can a Firm have more than one login for Connect, i.e. two separate SMFs having access?**

Yes, the firm's principle Connect user can assign access to other individuals in their organisation.

**1.14 Do we need to submit details of the leavers on the Directory?**

The details of anyone who is or was a Directory Persons on or after 9 December 2019 should be submitted even if they have since left the firm.

## 2. Policy

### **2.1 Can the individual entry form in Connect be made available as an official FCA Handbook form, to allow it to be incorporated into firms' onboarding processes?**

This will not be made available as a Handbook form. However, a visual representation of the information in the style of a form has already been set out in SUP 16 Annex 47AR.

### **2.2 Why was there a field related to accredited bodies in the PS and not in the CP?**

We received significant feedback to our proposals requesting an additional field for membership of Accredited Bodies.

### **2.3 How long will Directory Persons data be held historically on the FS Register? (The FCA register goes back several years, e.g. 2000/2001 records can be seen)**

There is no time limit for how long these records will be published, as the data retention policy is not systematically linked to the firm or individual data we hold. However, there may be exceptions to this, where we agree to remove information from the FS Register.

### **2.4 Why is there no requirement for individuals to give their consent when we submit their personal data as part of the Directory Persons submissions?**

Data protection legislation requires us to have a valid lawful basis under Article 6 of the GDPR in order to process personal data. Consent is only one of the lawful bases that may be relied on. Another is the public interest basis under Article 6(1)(e) of the GDPR, which permits us to process personal data (in this case, publish Directory Persons' information) if it is necessary for the performance of a task in the public interest. Under section 8(c) of the DPA 2018, this includes the exercise of a public function - in this case, our supervisory function and publishing the information as part of the record we are required to maintain under s.347 FSMA. Therefore, we do not rely on consent for the processing of Directory Persons data.

For more information please read our privacy notice which explains how and why we use your personal data. Additionally, our Policy Statement (PS19/7) has useful background and information for preparing your submission.

### **2.5 Why was the benchmarking submission administration function deleted from the FCA's Handbook without consultation?**

We consulted on the deletion of this function in CP17/17 'Handbook changes to reflect the application of the EU Benchmarks Regulation'.

## **2.6 The title prefix is a mandatory field in your Directory Person forms. What should we do if we don't have title information?**

From 2 March 2020, the title prefix is an optional field in all our Directory Persons forms.

# 3. Administration

## **3.1 The declaration page suggests that you must print, sign and retain a copy of the submitted forms. How should this be managed?**

In the final version of the declaration, firms will not be required to print or sign the forms. This text is standard across all Connect forms but is not required for the Directory Persons form because it is automatically retained in Connect. We have clarified this in the new user guide for firms, which we have published on our Directory Persons web page.

## **3.2 On the declaration page, who should be the signatory/authoriser?**

The authorised signatory is the individual responsible for submitting the form. However, ultimate responsibility lies with the individual responsible for the firm's compliance with the certification regime. So, they will need to ensure appropriate governance processes and delegation procedures.

## **3.3 How will the bulk assignment of IRNs for new individuals be communicated to firms?**

Once we have processed your bulk submission, you will be able to see the status of all individuals for which you submitted data in the feedback file which is accessible via Connect. The feedback file will set out which individuals have been processed as part of the submission, along with the IRNs for any new individuals.

The feedback file will also have a new 'IRN Status' column that will indicate whether it's a new individual (previously unknown to FCA) with the value 'New Individual' populated or it's an existing individual with the value 'Existing Individual' populated.

## **3.4 What are the implications of data not being updated within 7 days of changing?**

Our rules on reporting requirements state that a £250 admin fee will be applicable where a firm does not submit a complete report by the date

on which it is due.

**3.5 Can firms view their data as soon as it has been uploaded?**

Firms will be able to view their data as soon as it has been uploaded, regardless of whether the FCA has processed the submission.

**3.6 For Material Risk Takers (MRTs), the Directory Policy Statement stipulates that where a firm identifies a member of staff under the quantitative criteria alone and they have assessed using objective criteria that their duties and authorities do not materially impact an institution's risk profile, they may notify or apply to the FCA or PRA to exclude these individuals from identification. How should the FCA/PRA be notified of this?**

If you would like to make the FCA aware of the need to exclude an MRT, please see guidance on the FCA's approach to the identification and exclusion of material risk takers set out in FG20/5 and FG20/6.

**3.7 How on the system do firms notify the FCA that the data is still correct? (the PS states firms must do this within every 12 months)**

Firms will receive several email reminders to login to the system to click an attestation button in Connect. Help on how to do this will be given in supplementary guidance materials.

**3.8 I've submitted dummy test data since you started processing data on 29 November 2019 or accidentally added individuals I shouldn't have. How can I remove these submissions?**

Please do not submit any dummy test data. All data is now being processed and will be published. If you have submitted dummy test data or added individuals in error, after 29 November 2019, please contact our Contact Centre as soon as possible so they can delete this.

## 4. Directory Persons data

**4.1 How will sanctions be managed?**

Sanctions data will be added by us. No action is required by firms.

**4.2 If neither an individual's National Insurance number (NI) nor their passport number is available, what is the impact on the firm's notification?**

Firms will be unable to notify us of a Directory Person if they have neither NI, nor passport number. There are no exceptions to this.

According to the rules on reporting information about Directory Persons, firms should provide a National Insurance (NI) number where the individual holds one. Firms will only need to give us passport numbers if:

- a. the Directory Person does not hold a National Insurance (NI) number; or
- b. they have previously only provided us with a passport number for their Directory Persons, in which case a passport number is required for us to correctly match the records

**4.3 For a small selection of our Directory Persons, we don't have a UK national insurance number (NINO) or passport number. What action should we take?**

We are expecting this to be an extremely rare scenario. In exceptional cases where this arises, you may apply for a waiver, if you have exhausted all possible means of obtaining this information. In making such a request, we would expect you to supply full alternative identification verification undertaken as part of the certification. We would also expect a thorough explanation as to why it is impossible to supply either a NINO or passport number.

**4.4 Is it important that passport numbers are updated?**

Like any other data subject to our reporting requirement, if firms provided us with a passport number and this has changed, firms will need to update this information within 7 business days.

**4.5 Back office staff do not want their details made public. How can we respond to this?**

This data enables us, other regulators, law enforcement and other intelligence partners to better track and monitor individuals operating in the industry. It will enable us to track and apply appropriate interventions. The information will help firms to do quick reference checks of people they are recruiting. It will also help firms to effectively find and verify the identity of potential counterparties.

**4.6 Will firms need to clean their data before submission?**

Yes, firms will need to clean their data before submission. The Policy Statement says we will not verify the information about Directory Persons which is reported by the firm. If a firm becomes aware of any inaccuracies or errors in the information reported about a Directory Person it must rectify that information as soon as possible, in line with applicable data protection legislation (SUP 16.26.8(4)).

**4.7 If a firm perceives a customer facing employee to be vulnerable, and they don't want to make a postcode or other information public, what should they do?**



The option to provide workplace location will only show if 'face-to-face' is selected as the customer engagement method. Where an individual has a legitimate reason for not wanting a workplace location to be made public, the location details can be omitted. Please refer to the Policy Statement for more information on the circumstances in which this can happen. It should be noted that the FS Register will only publish location information to the town level, rather than display postcode.

**4.8 If someone goes to work for another firm and have changed their passport number, their records won't match. Which firm will be responsible for obtaining the passport number? The previous firm or the firm that the individual currently works for?**

The new firm will be responsible for checking the accuracy of their data. Previous records can match via the IRN number, DOB and then the NI Number or passport number. If the NI number is present, the record will match. If the NI number is not present, and the record is not matched by the passport number, the firm can either call the Contact Centre to update the passport number for the individual and then send the notification, or the firm can provide the old passport number if they have been able to obtain it, send the notification, and then update the passport information using the amend form.

**4.9 What should firms do if their employees do not provide them with accurate information? (e.g. passport number or accreditation)**

Where the error is due to an employee withholding information or knowingly supplying incorrect information, it may be reasonable for the firm to instigate a disciplinary, particularly when considering individual Conduct Rule 3 'You must be open and cooperative with the FCA, the PRA and other regulators'. If a firm can't provide data, then the individual can't hold the role, even if they have already been in that role.

**4.10 Some of our Directory Persons do not have UK national insurance numbers (NINO). For these individuals, we have a passport number but their nationality is not listed in your pre-defined dropdown list. What should we do?**

All our forms use a standard pre-defined list. We are looking at options to address this. For options not listed please let our Contact Centre know so we can track these cases to determine the best course of action.

**4.11 From what date should firms start reporting Directory Persons, and how far should they backdate role start dates?**

***Dual Regulated Deposit takers and PRA designated investment firms (banking firms)*** – SM&CR regime started March 7th, 2016

Mandatory for these firms to report to us individuals who are Directory Persons on or after 9th September 2019. However, if the information is available, firms should also report to us individuals who were Directory

Persons from 10th December 2018 to 9th September 2019, even if those individuals were no longer Directory Persons on 9th September 2019. For role start dates for this population, these cannot be earlier than 7th March 2016.

***Dual Regulated Insurers*** – SM&CR Regime started 10th December 2018

Mandatory for these firms to report to us individuals who are Directory Persons on or after 9th September 2019. However, if the information is available, firms should also report to us individuals who were Directory Persons from 10th December 2018 to 9th September 2019, even if those individuals were no longer Directory Persons on 9th September 2019. For role start dates for this population, these cannot be earlier than 10th December 2018

***Solo regulated Firms*** – SM&CR Regime started 9th December 2019

Mandatory for these firms to report to us individuals who are Directory Persons on or after 9th December 2019. For role start dates for this population, these cannot be earlier than 9th December 2019.

**4.12 We are slightly confused about which historical data should be in scope of the Directory Persons data collection exercise. Are you able to add some scenarios to help with this?**

Please refer to the following scenarios:

**Scenario 1:**

- a. Jim worked for a bank.
- b. Jim was an Approved Person until 6 March 2016.
- c. On 7 March 2016 SM&CR started for banks, and Jim was not a senior manager, so his status on the FS Register changed to 'inactive'.
- d. On 10 March 2016, despite having a year to do so, Jim's firm certified him as being fit and proper to carry out the relevant certification function.
- e. On 12 January 2019, Jim left the firm having continued to be certified as a Directory Person up until that time.

***Directory Person submission for Jim (scenario 1)***

- i. If Jim's firm have the data available, Jim should be submitted, because he was a certified person on and after 10 December 2018. We are asking firms to include people who were certified persons from 10 December 2018, only if they have this historical data available. It is only mandatory to submit data for people who held certified roles at the firm on or after 9 September 2019.
- ii. For Jim's role start date, the firm would add 10 March 2016 as this was the date Jim was certified to do the role from.
- iii. For Jim's role end date, the firm would add 12 January 2019, as this is the date Jim stopped being certified by the firm.

**Scenario 2:**

- a. As scenario 1, but Jim either left the firm before 10 December 2018, or was no longer a certified person on 10 December 2018.

***Directory Person submission for Jim (scenario 2)***

- i. Jim's data should not be submitted as a Directory Person, because he was not a certified person on or after 10 December 2018.

**Scenario 3:**

- a. As scenario 1, but Jim did not stop being a certified person on 12 January 2019. He continued in the same role at the firm and left the firm on 15 September 2019, having continued to be certified up until that time.

***Directory Person submission for Jim (scenario 3)***

- i. Because Jim was a certified Directory Person on or after 9 September 2019, the firm must submit data for Jim as a certified person, providing a start date of 10 March 2016 and end date of 15 September 2019.

**Scenario 4:**

- a. Helen works for an insurer.
- b. Helen was an Approved Person until 9 December 2018
- c. On 10 December 2018 SM&C started for insurers, and Helen was not a senior manager, so her status on the FS Register changed to 'inactive'.
- d. On 15 Feb 2019, Helen's firm certified her as being fit and proper to carry out the relevant certification function.
- e. From 15 Feb 2019 to 15 May 2019, Helen was certified to do role X, then from 16 May 2019 to current day, Helen has been certified to do role Y.

***Directory Person submission for Helen (scenario 4)***

- i. Helen's data must be submitted as a Directory Person for role Y, because she was a certified person in this role on or after 9 September 2019. If the information is available, Helen's information should be submitted for role X as she held this role as a certified person on or after 10 December 2018.
- ii. For role X, the firm should add 15 February 2019 as the start date and 15 May 2019 end date.
- iii. For role Y, the firm should add 16 May 2019 as the start date and leave the end date field blank.

**4.13 The SM&CR for Dual Regulated Deposit takers and PRA designated investment firms (banking firms) started on March 7th, 2016, but there is only a requirement for firms to backdate to 10 December 2018 (if they have the information), won't there be a gap in information?**

Yes, there will be a gap in this information. We have to balance completeness of information with the burden on firms to provide this information.

**4.14 Should information about customer facing trainees be included**

#### **as Directory Persons information?**

A person performing a function requiring qualification should be reported to the FCA as a Directory Person even if they are training and are still to receive their qualification.

#### **4.15 Is the onus on firms to check that employees' accreditations are active? How should they verify this?**

It is the firm's responsibility to ensure that individuals carrying out customer engagement roles requiring qualification, are active members of any of the 5 FCA-recognised accredited bodies, before providing this information to us. It is for the firm to decide how best to verify information.

#### **4.16 When backdating to December 2018, is the firm required to retrieve employees historical IRN?**

Yes, if they have that information available.

#### **4.17 The Policy Statement switches between accredited body and professional accreditations. This is confusing for firms. What steps will the FCA take to make it clearer?**

The FCA will be clarifying this by using communications, user guides and help text in Connect forms.

#### **4.18 Why is there a requirement to collect accreditation information?**

We are asking firms to provide us with information about memberships of any of the 5 FCA-recognised accredited bodies, for individuals carrying out a customer engagement role that requires a qualification.

We are collecting information which will benefit consumers and help them to be better informed. We received feedback that this would be very useful information for consumers.

#### **4.19 Is it only accreditations related to the individuals' current role which need to be submitted?**

Memberships are not associated with the nature of the role. If an individual is carrying out a customer engagement role and is a member of one or more of the 5 FCA-recognised Accredited Bodies, then firms should provide this membership information regardless of whether it is related to their current role.

#### **4.20 Are accreditations only required to be added for customer facing roles?**

Yes, information about memberships of any of the 5 FCA-recognised Accredited Bodies is only required for individuals carrying out a customer engagement role that requires a qualification.

**4.21 What should firms do about certifications, if individuals go on long periods of leave?**

This is for the firm to decide. If a firm de-certifies an employee when they go on leave and then re-certifies that person once they return to work, this should be reflected.

**4.22 How should firms interpret 'accredited' - they qualified from that institution, or continue to pay to be accredited as a member?**

Individuals should be an active member of the FCA-recognised accredited body.

**4.23 We have several Directory Persons who are in roles requiring qualification but who do not engage with customers. In the Directory Persons forms, the customer engagement value is mandatory where a qualification role is entered. How should we proceed?**

From 2 March 2020, customer engagement method will be optional for role '[FCA CF] (5) Functions requiring qualifications'. However, customer engagement method will still be mandatory for following two roles - 'Sole trader dealing with clients for which they require qualification' and 'Appointed representative dealing with clients for which they require qualification'.

**4.24 Regarding previous name, your guidance suggests "If the Directory Person was previously known by a different name other than that which currently appears on their passport or National Insurance card, then please put this name here". How far back in time do you need this requirement to cover (e.g. whilst held role with our firm, since SM&CR started, all previous names held as an adult) and if they have more than one previous name how should we add this, as only one previous name can be added to the Multiple Add form?**

Firms should provide all previous names known to the firm. If there is more than one previous name, please use the single notification form to add this data as this form accepts multiple previous names.

**4.25 I want to submit a Directory Person whose name includes an apostrophe, e.g. John O'Neil. The single notification form does not allow apostrophes. How should I proceed?**

We are aware of this issue and are asking firms to use the Multiple Add template until we have established whether we can fix this.

## 5. Data submission

### **5.1 In the multiple add template, how do we input the data for multiple individuals that work for multiple entities?**

If you need to add individuals who work at different legal entities, you will need to complete more than one Directory Persons application form. This is because each multiple add template can only contain individuals from one firm (FRN).

### **5.2 Under which customer engagement category should video conferencing fall?**

This should be categorised as 'online'.

### **5.3 Does workplace location only show if 'face-to-face' is selected as a customer engagement method?**

Yes, this is correct.

### **5.4 What postcode do we use for advisers at telephony sites, their exact call centre, or the main head office? It may confuse consumers if telephony sites are added, as they cannot physically see the adviser at this location.**

In this example, the user would select 'telephone' rather than 'face-to-face' as the engagement method, so they would not be required to add a post code.

### **5.5 Do you have plans for a 'Multiple Amend' functionality?**

Multiple Amend template and functionality is available. Instructions on how to use this can be found in the Multiple Amend guide.

### **5.6 If a Directory Person is a non-executive director (NED) with no certification, how do we record this?**

In Connect, when selecting a role type, firms can select 'Director of a firm who is not a certification employee or a SMF manager'.

## 6. Reporting

### **6.1 Will firms have a multiple API download facility?**

There isn't a facility for a multiple download of Directory Persons data. An API facility to systematically access Directory Persons Data will be available from late 2020. But this will not be a bulk download API service. For Existing Register Data, there is a beta API service that users

can sign up to here:  
[https://register.fca.org.uk/Developer/ShAPI\\_LoginPage?ec=302&startURL=%2FDeveloper%2Fs%2F](https://register.fca.org.uk/Developer/ShAPI_LoginPage?ec=302&startURL=%2FDeveloper%2Fs%2F) . This is a beta (test) service and there are some browser compatibility issues, so we recommend using Chrome. Any service or technical queries should be sent to the support team on [registerapisupport@fca.org.uk](mailto:registerapisupport@fca.org.uk).

**6.2 Could an API be developed to reduce the operational risk for firms introduced by manual spreadsheet entry?**

There are no plans to receive Directory Persons Data via an API.

## 7. Publishing Directory Persons information

**7.1 How will the FCA ensure that no confusion is caused for users viewing December 2018 as the role start date for most individuals working at dual- regulated deposit takers and PRA designated investment firms (banking firms), when those individuals may have been fulfilling that function for years?**

Our rules clearly state that firms will be providing the actual role start date (no earlier than 7th March 2016) and not the directory start date (Dec 2018). So, this problem should not arise.

**7.2 How will the FCA ensure that no confusion is caused by the 'gap' in directory information for many individuals between the March 2016 end of the Register data and the December 2018 start of the directory data?**

This potential 'information gap' will be communicated to consumers. They will be told to check the relevant certification sites where they can find historical membership information.

**7.3 How will the FCA ensure that accreditations are clearly marked as only showing for individuals performing customer facing roles which require qualifications?**

Firms should provide information about memberships of any of the 6 FCA- recognised Accredited Bodies, not accreditations. But this is only for customer engagement roles requiring qualification.

We have included explanatory text in the multiple add template to make it clear we are asking for information on memberships rather than accreditations and only for customer engagement roles requiring qualification. This will be reflected on the final Connect form.

**7.4 Will multiple locations assigned to a customer facing employee (selecting 'face-to-face' engagement type), confuse consumers?**

If a Directory Person works in multiple locations, they should be available to serve consumers at each of those locations. When a consumer searches for an individual within a defined radius, the Directory Person should be listed in the results and be available for a face-to-face meeting in that location, despite working elsewhere during other times of the week