

Date: 13 July 2020

Our Ref: FOI7364

## **Freedom of Information: Right to know request**

Thank you for your email of 15 June 2020, in which you asked for:

*"In reference to a previous FOI request your ref: FOI5640 Under the Freedom of Information Act, I would like to know:*

- 1. How many investigations does the FCA launch into company directors each year.*
- 2. A breakdown of the types of investigations launched, using whichever categories are used internally.*

*Please provide the data for each of the last five years with a year-end 31<sup>st</sup> March or whichever year-end date is most convenient. If you cannot provide data for each of the last five years, then please provide data for each of the most recent three years. If this is not possible then each of the most recent two years, if not the most recent year."*

We are handling your email as a request for information under the Freedom of Information Act 2000 (FOIA).

You have requested data for each of the last five years and have stated that you do not mind if the data reported is in calendar year end. We believe that the information you have asked for calendar years 2015, 2016, 2017 and 2018 is already easily available to you on our disclosure log [here](#). Our disclosure log presents FOIA responses previously issued and the data is available if you search under reference FOI5640 and FOI6306. For that reason, we are exempted from having to disclose it to you under section 21 (information reasonably accessible to the applicant by other means) of FOIA. For more information on why we are applying this exemption please see Annex A.

We can provide you with the information for the calendar year 2019 as set out below:

For point 1 of your request we can confirm that the FCA has opened 61 enforcement investigations into company directors in 2019.

*Please note: We have taken "company directors" to mean those individuals who have held CF1 (Director) or CF2 (Non-Executive Director) functions at any point; they may not have held those functions at the time of the investigated misconduct. Data is for responsive cases opened in 2019.*

For point 2 please note that our internal categories changed in late 2018 and are slightly different from the categories reported in the previous FOIA responses. Below is the breakdown of the types of investigations launched that is available for 2019:

Category	2019
Advice - Pensions	7
Application to revoke/vary permission, approval or prohibition	1
Retail Conduct	28
Culture/Governance	3
Financial Promotions	1
Investment/pension scam	7
Wholesale Conduct	1
Insider dealing	4
Market manipulation	1
Misleading statements	1
Money laundering controls	4
Unauthorised Business Department – Unregulated Collective Investment Scheme	2
Other	1
<b>Total</b>	<b>61</b>

### **Your right to complain under FOIA**

If you are unhappy with this response, you have the right to request an internal review. To do so, please contact us within 40 working days of the date of this response.

If you are not content with the outcome of the internal review, you also have a right of appeal to the Information Commissioner by phone or on their website at:

Telephone: 0303 123 1113

Website: [www.ico.org.uk](http://www.ico.org.uk)

### **Annex A**

- **Section 21 (Information reasonably accessible to the applicant by other means)**

We are not required to provide you with this publicly available information as it is accessible to you by other means.

FOIA states that, even where an authority does not have to publish information, we should not view that information as reasonably accessible purely because it is available from us on request. This applies unless the authority makes the information available by publishing it and specifies any payment required to get it.

