

Telephone: 020 7066 8080
Email: foi@fca.org.uk

Via Email

Our Ref: October 2016
FOI4734

Dear

Freedom of Information: Right to know request

We refer to your request under the Freedom of Information Act 2000 (the "Act"). Your full request and clarified request can be found in Annex A.

Before considering your request, it is important to know that, an application for an individual who has raised concerns about wrongdoing, malpractice or a breach of FCA regulations to the FCA, would not necessarily or automatically be assessed as non-routine.

Your request has now been considered. I can confirm we hold the information you have requested.

In relation to Q1 & Q2 the information you require is:

Calendar year	Number of applications approved	Number of applications categorised as NRI
Jan-Dec 2014	28,118	1522
Jan-Dec 2015	30,374	2884
Jan-Aug 2016	16,441	1503

For Q3 and Q4 of the request regarding the reasons for designating an individual's application as NRI we would only be able to provide this information after reviewing every single

application. For each NRI case it would take us approximately 5 minutes to look at why the application was classified as NRI. Therefore, to answer Q3 and Q4 of your request would exceed the FCA's statutory cost limit for complying with freedom of information requests, as contained within the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, and so the exemption to disclosure in section 12 of the Act applies. For more information as to why this exemptions applies, please refer to the Annex.

Yours sincerely

Information Access Team

Your right to complain under the Act

If you are unhappy with the decision made in relation to your request, you have the right to request an internal review. If you wish to exercise this right you should contact us within three months 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 at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Telephone: 01625 545 700. Website: www.ico.org.uk

Annex A

*"Q1) How many records on fitness and propriety does the FCA hold for 2014, 2015 and 2016?
Q2) Of those, how many are categorised as "non-routine" for 2014, 2015 and 2016?"*

*Q3) What is breakdown of the reasons for the "non-routine" status for 2014, 2015 and 2016?
Q4) How many people designated as "non-routine" have raised concerns about wrongdoing, risk, malpractice or breach of FCA regulations either to the FCA, to their employer or to some other third party for 2014, 2015 and 2016?"*

Your request was clarified on 26 September 2016 as:

"1) "In regards to the first part of your request you state how many records of fitness and propriety does the FCA hold for the requested respective years. Do you mean applications for approved persons?" I can confirm we are asking for the number of applications for approved person status for the respective years.

2) You also asked: "Are you asking how many individual applications are classified as non-routine due to the above reasons or whether the above reasons are raised as concerns as a consequence of an application being classified as non-routine?" We're asking for both. Firstly for a breakdown of the reasons individuals were given "non-routine" status for the years stated, and secondly the number of individuals given "non-routine" status for raising concerns about wrongdoing, malpractice or a breach of FCA regulations to their employer, the FCA or another third party (e.g a different regulatory body, media, MP etc)."

Annex B

Section 12 (Cost of compliance exceeds appropriate limit)

The Act requires us to comply with a request, unless it would be too expensive to do so, as estimated in accordance with the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. The regulations provide that, for the FCA, the cost limit is £450, i.e. 18 hours at the rate of £25 per person hour. The regulations allow us to take into account when estimating the cost of complying with a request the time spent determining whether we hold the information requested, locating and retrieving it, and extracting the information from the relevant document(s).

To be able to confirm the reasons for designating an individual's application as a non-routine individual, we would have to review every application separately. For 2014 alone, we had received 1522 non-routine individuals application. We estimate this it will take approximately 5 minutes to review each application, therefore to provide an accurate answer would take more than 126 hours. This exercise would take well in excess of 18 hours to complete. On that basis, we estimate that the cost of retrieving the information you have requested would far exceed the £450 limit.

As our policy is not to divert our resources from our regulatory functions in order to meet requests under the Act in excess of the cost limit, we will not carry out an exercise to identify the information you have requested.

When we refuse a request because the appropriate limit has been exceeded, it is our general policy to provide advice and assistance to the applicant to indicate how the request could be refined or limited to stand a greater chance of falling within the cost limit. Due to the volume of information that we have to review in relation to your request, we are unable to suggest how your request could be refined or limited to come within the cost limit.

You should note that, in reaching the conclusion that your request exceeds the appropriate cost limit, we have not considered whether any other exemptions apply.