

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

[via email]

4 December 2017

Our Ref: FOI5422

Dear

Freedom of Information: Right to know request

Thank you for your request for information under the Freedom of Information Act 2000 (the Act), dated 6 November 2017, for the following information:

1. *"How many applications the FCA received for a third-country branch license in the UK from EU27 financial services firms during the period June 2015 - June 2016, as well as July 2016-January 2017 and between January 2017-October 2017.*
2. *How many applications the FCA received to establish a subsidiary in the UK from EU27 financial services firms during the period June 2015 - June 2016, as well as July 2016-January 2017 and between January 2017-October 2017."*

Your request has now been considered, and our response is as follows:

Question 1:

I can confirm that we hold the requested information, as set out below:

- June 2015 – June 2016: 50
- July 2016-January 2017: 21
- January 2017 – October 2017: 33

Question 2:

I can confirm that we hold the information you are seeking; however, this information is not held in a readily extractable format and we estimate that to comply with this part of your request would far 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. Therefore we consider that section 12 of the Act applies. For more information as to why this exemption applies, please refer to the Annex A below.

We have considered whether we can assist you by suggesting how you might narrow the scope of your request so that it comes within the cost limit. However, due to the large number of records that we would need to review to extract the information you are seeking, we are unable to assist you with providing a way in which to refine your request

so it comes within cost, as any refinement that we suggest is still likely to exceed the statutory time limit.

Yours sincerely

Information Disclosure Team

Your right to complain under the FoI 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

- **Section 12 (Costs 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”) made by the Ministry of Justice. 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, time spent determining whether we hold the information requested, locating and retrieving it and extracting the information from the relevant document(s).

As mentioned, we do not hold readily extractable information on the number of applications to establish a subsidiary in the UK we received from EU27 financial services firms during the relevant period.

To give you an indication of the work involved to extract the information you are seeking, between June 2015 and June 2016 only, we received 12,357 applications from overseas firms to establish a subsidiary in the UK. To determine how many of those were submitted by firms from one of the EU27 states, we would need to review one by one all applications received. Based on an estimate of 15 minutes per record, it would take us far in excess of 18 hours to complete this exercise.

As our policy is not to divert our resources from our regulatory functions in order to meet requests under the Act in excess of our cost limit, we will not be carrying out any further work on this.