

Via Email

24 December 2018

Our Ref: FOI6125

Dear

Freedom of Information: Right to know request

Thank you for your request under the Freedom of Information Act 2000 ("the Act") dated 26 November 2018 in relation to the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. For ease of reference, your request has been numbered and our answers are in bold below.

Before considering your request, it might be helpful to note, when processing a Subject Access Request (SAR), GDPR states you must act on the request without undue delay and at the latest within one month of receipt (the FCA defines this as a "normal request").

However, the time to respond can be extended by a further two months if the request is deemed "complex" by the FCA, or a number of requests have been received from the same individual.

We have now considered your request which is for information held for the period 25 May 2018 to the 25 November 2018:

1. According to GDPR guidelines, how many GDPR requests have you received between the dates specified above?
95.
2. Of those requests, how many have been for:
 - a. Subject Access Requests. **89** (12 complex / 77 normal requests).
 - b. Right to rectification. **1**
 - c. Right to portability. **0**
 - d. Right to erasure. **5**
 - e. Objection to processing. **0**
 - f. Restriction of processing. **0**
3. For each request type above please indicate the number of requests that were answered within the one-month deadline (FCA deemed normal requests).
 - a. Subject Access Requests: **76**
 - b. Rectification answered within one month deadline: **1**
 - c. Portability answered within one month deadline: **0**
 - d. Erasure answered within one month deadline: **5**
 - e. Objection answered within one month deadline: **0**
 - f. Restriction answered within one month deadline: **0**

4. How many were requested for the extended deadline (complex):
 - a. SARs answered extended past the one month deadline: **12**
 - b. Rectification answered extended past the one month deadline: **0**
 - c. Portability answered extended past the one month deadline: **0**
 - d. Erasure answered extended past the one month deadline: **0**
 - e. Objection answered extended past the one month deadline: **0**
 - f. Restriction answered extended past the one month deadline: **0**

5. How many were refused (specifying also on what grounds requests, or purported requests, were refused):
 - a. SARs refused: **3**. We found three SARs to be manifestly unfounded or excessive. The FCA considered that due to the volume of information we would have to review to comply with the request the manifestly unfounded or excessive scenario would apply in these cases.
 - b. Rectification refused: **0**
 - c. Portability refused: **0**
 - d. Erasure refused: **1**. The FCA must have a lawful basis for processing personal data under the GDPR. In this instance, the lawful basis was legal obligation. For further details on lawful basis, please see: <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/legal-obligation/>
 - e. Objection refused: **0**
 - f. Restriction refused: **0**

6. For each of the response types within the deadline, extended deadline or refused how many subjects requested further or clarifying information:
 - a. SARs requiring further clarification: **33**
 - b. Rectification requiring further clarification: **0**
 - c. Portability requiring further clarification: **0**
 - d. Erasure requiring further clarification: **1**
 - e. Objection requiring further clarification: **0**
 - f. Restriction requiring further clarification: **0**

7. Please can you also provide the email address for your data protection officer (DPO) and or the address of the team handling data protection enquiries.

Our DPO is Andy Cobbett. The email address of the team handling data protection enquiries is: dataprotection-individualsrightsrequests@fca.org.uk.

8. Please indicate how many staff, personnel, volunteers' or temporary personnel etc. you have within your organisation and of those how many have completed GDPR/security awareness training. Of those how many have formally acknowledged that they have conducted the training?

The Mandatory Learning plan in relation to GDPR and Security Awareness training is provided to permanent and fixed term contractors. There are currently 3798 people in this plan of which 3701(97.45%) have completed the training.

9. Please provide details as to whether you have a DPO, whether they are full time or part time, whether they are permanent employees or whether the DPO is

outsourced. If the service is outsourced who is the service provider, what services they provide and how much they cost per month.

As informed at point 7, Andy Cobbett is the FCA's DPO and a full time member of staff. The FCA does retain additional contingency support arranged with Sharpe Pritchard LLP, who will provide external DPO services should our internal DPO be unavailable or have a conflict of interest.

We are unable to disclose any associated monthly costs paid to Sharpe Pritchard. This is because disclosure would be harmful to the FCA's commercial interests, as well as the firm in question. As a result, we are prohibited from disclosing this information to you under the section 43 (Commercial Interests) of the Freedom of Information Act. For a detailed explanation of why this exemption applies please refer to Annex A.

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

Yours sincerely

Information Disclosure Team



Annex A:

- **Section 43 (Commercial Interests)**

Section 43(2) of the Act provides that information is exempt if its disclosure would, or would be likely to; prejudice the commercial interests of any person (including the public authority holding it).

Disclosure is likely to undermine the FCA's commercial interests as to disclose the fees would impact our negotiating position when instructing counsel in the future.

The commercial interest of the firm is likely to be harmed by disclosing details of the cost. The disclosure of this information could damage their commercial interests and might prejudice future engagements. Disclosure may also affect their reputation and competitive position in the market.

The exemption in Section 43 (Commercial Interests) is qualified and we have balanced the public interest for and against disclosure as required by the Act.

For disclosure

- There is a strong public interest in the public being able to see how the FCA is spending its resources.

Against disclosure

- Disclosure would harm the FCA's ability to negotiate fees with other legal representatives that we entrust now or in the future.
- Disclosure of the cost would be a disclosure to the public at large of a fundamental component of the firm, which could prejudice their future engagements.

On this occasion, we have concluded that the balance of the public interest is in favour of not disclosing the information, for the reasons set out above.