

Email:       foi@fca.org.uk

(By email)

8 March 2019

Our Ref:       FOI6179

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

Thank you for your request, which we received on 3 January 2019, under the Freedom of Information Act 2000 (the Act) for information in relation to SIPP firms. Please refer to Annex A for full details of your request.

Your request has now been considered and we can confirm that we hold the information requested and our response is below.

For question 1, we can confirm that between 30 October 2018 to 3 January 2019 our Enforcement Division have not visited any SIPP providers.

For question 2, we can confirm that between 30 October 2018 to 3 January 2019 no SIPP providers failed to return a data request which the FCA issued SIPP providers following the Dear CEO letter.

For question 3, we are unable to provide this information to you as the entire population of SIPP providers is relatively small and disclosure of even just the number of firms that fall within the scope of this part of your request could lead to the firms being identified. Therefore, for the reasons set out in Annex B, we consider that section 43 (Commercial interests) of the Act applies. Please refer to Annex B for full details as to why this exemption applies.

For question 4, we can confirm that between 30 October 2018 to 3 January 2019 the FCA issued no SIPP providers with enforcement action.

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 the Information Disclosure Team within 40 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 at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Telephone: 01625 545 700. Website: [www.ico.org.uk](http://www.ico.org.uk)

Yours sincerely

Information Disclosure Team  
Financial Conduct Authority

## **Annex A**

Request received on 3 January 2019:

*"I am seeking information on the work the FCA is carrying out in its supervision of Sipp providers since it released this Dear CEO letter on [30 October 2018](#).*

*Please respond to the following:*

*-From 30 October 2018 to present date (3 January 2019), how many Sipp providers have the FCA's enforcement division visited?*

*-From 30 October 2018 to present date (3 January 2019), how many Sipp providers failed to return a data request which the FCA issued Sipp providers following the Dear CEO letter?*

*-From 30 October 2018 to present date (3 January 2019), how many Sipp providers warned the FCA that they may not be able to meet their financial commitments and could become insolvent?*

*-From 30 October 2018 to present date (3 January 2019), how many Sipp providers has the FCA issued with enforcement action?*

*-What other regulatory action has the FCA taken in the Sipp provider market from 30 October 2018 to present date?"*

On 24 January, you clarified your request as follows:

*"Thank you for your reply.*

*Yes I would like to confirm that the information I am seeking is how many statutory notices the FCA has, as part of Enforcement actions, issued to SIPP providers from 30 October 2018 to the present (3 January 2019)."*

On 8 February 2019, you further clarified your request as follows:

*"Please ignore question 5 and only respond to the first 4 questions."*

## **Annex B**

- **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).

The commercial interests of the firms in question may be harmed in several ways as disclosure of the information requested would be likely to lead to further comment and speculation about them. The entire population of SIPP providers is relatively small and disclosure of even just the number of firms that fall within the scope of point 3 of your request could lead to their identity. This, in turn, would or would be likely to harm the firms' brand and so harm their commercial interests as well as that of their stakeholders, including their employees. As there is no routine public disclosure of firms' dealings with the FCA, ad hoc public disclosure under the Act would be likely to attract a disproportionate amount of attention to the firms concerned.

This exemption is qualified and we have balanced the public interest for and against disclosure as required by the Act.

*For disclosure:*

- Disclosure of the information would reassure the public about the effectiveness of the regulatory approach taken by the FCA, and demonstrate how the FCA responds to supervisory matters within the sector it regulates.
- Disclosure would also provide information to consumers to assist them in making decisions about their dealings or potential dealings with firms and individuals that are, or may be, operating in the financial services industry.

*Against disclosure:*

- Disclosure of the number could lead to the identity of the firms that fall within the scope of your request as the entire population of SIPP providers is relatively small.
- This could lead to widespread speculation which could affect the firms' brand and reputation in the market in which they operate, in the absence of due process having been followed - i.e. in the absence of any formal public announcement and without the firms having had the opportunity to comment.
- It is strongly in the public interest that the FCA has open and candid exchanges of information with the firms it regulates, regardless of the commercial sensitivity of the information. Disclosure of the information could lead to firms being less willing to co-operate with the regulator on work of a similar nature.

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