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Via Email

5 January 2015

Our Ref: FOI3796

Dear

Freedom of Information: Right to know request

Thank you for your request under the Freedom of Information Act 2000 (the Act), for the following information related to whistleblowing:

- 1) *How many calls/e-mails/letters has the FCA's Whistleblowing Desk received over each of the last three years, broken down by year (year-end September 30th)*
- 2) *A breakdown of the whistleblowing incidents progressed by case type for each of the last three years, broken down by year (year-end September 30th).*

Your request has been considered. We have interpreted point 1) as new disclosures received via phone, email, letter or other referral that are considered by the FCA Whistleblowing Team, at the outset, to be a Public Interest Disclosure Act 1998 (PIDA) / non-PIDA whistleblowing matter, in line with the FCA approach to whistleblowing (<http://www.fca.org.uk/site-info/contact/whistleblowing/guidelines>) Our response to point 1) can be found in the Annex.

In relation to point 2), we are unable to provide a breakdown of the whistleblowing incidents progressed by case type for the period 1 October 2011 to 31 August 2013. This is because prior to 1 September 2013 whistleblowing cases were not recorded with a primary 'case type'. Therefore, in order to retrieve the information in the manner requested for the period you have outlined would require the records for each case to be manually reviewed and a primary case type attributed, if possible, based on the content. To do this would exceed the cost limit provided for in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. For a detailed explanation as to why this exemption applies, please also refer to the Annex.

We are, however, able to provide you with a breakdown of whistleblowing incidents progressed by case type for the period 1 September 2013 to 30 September 2014. The FCA introduced a new case management system in September 2013 which captures whistleblowing information by case or primary 'subject' type. Please see the Annex for the breakdown.

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

Point 1

The figures contained within the table below represent new whistleblowing disclosures recorded by the Whistleblowing Team in line with our whistleblowing policy. The Whistleblowing Team raises a case for each new disclosure received via phone, email, letter or other referral that is considered to be a whistleblowing matter as defined above.

1 October 2011 – 30 September 2012	614
1 October 2012 – 30 September 2013	742
1 October 2013 – 30 September 2014	1348

Point 2

The List of 'Subject' types on the case management system used by the Whistleblowing Team to record cases are; Competition, Consumer Credit, Consumer Detriment, Crime, Culture of organisation, Fitness & Propriety, FX-related, Market Activity, Non-regulated products, Other, Pension, Remuneration and Incentivisation, Systems & Controls and Treating Customers Fairly. It should be noted that when a case is raised one primary 'Subject' can be recorded although a case may contain elements of several 'Subject' types.

The number of cases, broken down by 'Subject' type for the year 1 September 2013 – 30 September 2014, are as follows;

Competition	7
Consumer Credit	49
Consumer Detriment	227
Crime	156
Culture of organisation	285
Fitness & Propriety	226
FX-related	13
Market Activity	58
Non-regulated products	53
Other	74
Pension	55
Remuneration & Incentivisation	65
Systems & Controls	101
Treating customers fairly	68

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 made by the Department of Constitutional Affairs (now 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 the time spent determining whether we hold the information requested, locating and retrieving it, and extracting the information from the relevant document(s).

As explained above, the information for the period 1 October 2011 to 31 August 2013 is not recorded or held in a readily extractable format. Therefore, to process your request would require the records for each case for that period to be manually accessed and a case type determined. This exercise, we believe, would take well in excess of 18 hours. 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.