

Direct line: 0207 066 7192
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Via E-mail

4 March 2015

Our Ref: FOI3876

Dear

Freedom of Information: Right to know request

Thank you for your request under the Freedom of Information Act 2000 (the Act), for the information relating to expenses claimed by Martin Wheatley and Clive Adamson. The full request is set out in annex A, attached.

Your request has now been considered. We confirm that we hold the information that falls within the scope of your request and attach copies of the receipts, as requested.

The expense claimed by Martin Wheatley relates to taking the 11 members of staff who worked on the consultation paper on the price cap for short term high cost loans for a meal. This was to acknowledge their hard work on the publication. Other details are as follows:

- The venue: Jamie's Italian Restaurant – Canary Wharf
- The cost: £572.55

The credit card details on the receipt constitute personal data and to disclose this information would be a breach of Principle 1 of the Data Protection Act 1998. We therefore consider that Section 40 (Personal Information) of the Act applies to this information. For a more detailed explanation as to why this exemption applies please refer to annex B, attached.

With regard to the expense claim made by Clive Adamson, this was a business lunch with a regulated firm. Other details are as follows:

- The venue: Davys Wine Bar & Restaurant – Canary Wharf
- The cost: £49.95 (receipt attached)

However, we are not able to disclose the name of the firm as routinely we do not publicly disclose a firm's dealings with the FCA, so to publicly disclose this information would be likely to lead to comment and speculation which would harm the perception of the firm in the market place. We therefore consider that Section 43 (Commercial Interests) of the Act applies. For a more detailed explanation as to why this exemption applies please also refer to annex B.

Yours sincerely

Information Access Team
Financial Conduct Authority

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

"I am requesting information under the FOI Act on hospitality.

Martin Wheatley expensed £572.55 on entertaining and working lunches in July-September 2014.

Please disclose the following details for each occasion:

- 1. the name of the company(s) and if possible the individual(s) he entertained*
- 2. the venue*
- 3. the cost (a receipt is preferable)*
- 4. the nature of the event*

Clive Adamson expensed £49.95 on entertaining and working lunches in October-December 2014.

Please disclose the details as above."

Annex B

- **Section 40 (Personal Information)**

To the extent that the information that we hold contains personal data about an individual, section 40(2)(b) of the Act provides that "Any information to which a request for information relates is also exempt information if ... either the first or second condition below (see sections 40(3) and 40(4) of the Act) is satisfied".

We have applied this exemption because the first condition (as stated in section 40(3) of the Act) is satisfied as the information requested comprises the personal data of individuals other than yourself, which if disclosed would breach the Principles in the DPA. It would be a breach of Principle 1 to disclose the credit card details in this instance, as it would not be fair to the individual concerned. The individuals' reasonable expectation is that this personal information will be protected and to breach this expectation would not be 'fair' (as noted in the first principle). In this instance, the individual concerned has not given consent for this personal data to be made public and the release of such information may be detrimental or distressing to the individual.

Section 40 is an absolute exemption so we are not required under the Act to consider the balance of public interest in whether to provide you with this information or not.

- **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 firm is are likely to be harmed in certain ways by disclosing the information requested. Disclosure could affect the firm's brand and reputation in the market in which it operates, thereby making it more difficult for it to win new business. The value of its shares could fall and its ability to secure new funding for its business could be affected. As there is no routine public disclosure of a firm's dealing with the FCA, ad hoc public disclosure under the Act would be likely to attract a disproportionate amount of attention to the firm concerned.

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

In favour of disclosure:

- Disclosure of the information would increase public awareness and understanding of the relationship which exists between the FCA and the firms it regulates.

Against disclosure:

- It is in the public interest that the FCA has open and candid exchanges with the firms it regulates, and we consider that to disclose the name of the firm that Clive Adamson had a business lunch with would be likely to undermine

theirs and other firms' willingness to engage with us. It would therefore not be in the public interest, if due to their firm's unwillingness to engage, this caused a detrimental effect on the FCA which would harm the FCA's effectiveness in carrying out its functions.

- Equally, it is strongly in the public interest that the FCA is able to have open and candid communication with its firms regardless of the commercial sensitivity of the information.
- Without an explanation, the information would, or would be likely to, be misconstrued and could lead consumers, the media and the financial services industry to draw the wrong conclusions.