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[BY EMAIL]

16 September 2014

Our Ref: FOI3625

## **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 in relation to the number of arrests that were made for insider dealing between 2008 to 2014.

*“Could also include the names that the arrests relate to so that I know who has been included.”*

Your request has now been considered. I can confirm that we hold the information you have requested. We can only disclose the names that are already in the public domain which relate to the arrests. Please refer to Annex A for this list.

We are unable to provide the remaining names because they are not in the public domain and we consider that it constitutes personal data and disclosure of this information would breach the Principles in the Data Protection Act 1998. Therefore section 40 (Personal Information) of the Act applies. Please see Annex B for a more detailed breakdown.

We are also unable to disclose some of the names as they are involved in current investigations which might lead to a decision by the FCA to institute criminal proceedings which we have the power to conduct. Such information is conditionally exempt under section 30. Please see Annex B.

Yours sincerely

**Information Access Team**

**Annex A**

2008	2009	2010	2011	2012	2013
Ali Mustafa	Christian Littlewood	Helmy Sa'aid	Richard Baldwin	Paul Milsom	Damian Clarke
Pardip Saini	Angie Littlewood	Thomas Ammann			
Neten Shah	James Sanders	Anjam Ahmad			
Bilaj Shah	Miranda Sanders	Rupinder Sidhu			
Truptesh Patel	James Swallow	Paresh Shah			
Mitesh Shah	Tomas Wilmot	Graeme Shelley			
	Kevin Wilmot	Richard Joseph			
	Christopher Wilmot	Andrew King			
	Michael McInerney	Andrew Rimmington			
	Christopher Hossain	Michael McFall			
	Adam Buck	Jessica Mang			
	Richard Pope	Martyn Dodgson			
		Andrew Hind			
		Iraj Parvizi			
		Julian Rifat			
		Ben Anderson			

## 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 some of the information requested comprises the personal data of individuals other than yourself, which if disclosed would breach the Principles in the Data Protection Act 1998. It would be a breach of Principle 1 to disclose such information, as it would not be fair to the individuals concerned. They have not given their consent for this personal detail to be made public and the release of such information may be detrimental to them. We do not consider the disclosure of this sensitive personal data would be in accordance with one or more conditions in Schedule 3 to the Data Protection Act. Furthermore, we do not consider disclosure would be lawful.

- **Section 30 (Investigations and proceedings conducted by public authorities)**

Information is exempt from disclosure under section 30(1) if it has at any time been held for the purposes of:

- (a) *any investigation which the FCA has a duty to conduct with a view to it being ascertained:*
  - (i) *whether a person should be charged with an offence, or*
  - (ii) *whether a person charged with an offence is guilty of it,*
- (b) *any investigation which the FCA conducts which may lead to a decision to institute criminal proceedings; and*
- (c) *any criminal proceedings which the FCA has power to conduct.*

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

*In favour of disclosure*

- There is a strong public interest in favour of transparency, and in the public being made aware of any information we may or may not have received in relation to the firms and/or individuals who are operating in the financial services industry, particularly where these matters may impact on the public directly.
- Disclosure of such information would reassure the public about the effectiveness of the approach taken by the FCA, and demonstrate how we respond to matters arising within the sector we regulate.

*Against disclosure*

- Disclosure could diminish the chances of a successful prosecution, bringing future charges, or making arrests. Disclosure could also diminish the chances of a fair trial taking place.
- Disclosure could harm the FCA's ability to gather intelligence information from confidential sources (for instance, informants/whistleblowers/calls to Crimestoppers).
- Disclosure could also harm the interests of justice in the participation of victims, witnesses, informants, suspects or offenders in investigations and proceedings; and impede other ongoing or future proceedings.

For the reasons set out above, in this case, in our view the public interest lies in favour of not disclosing any information.