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By E-mail

9 February 2015

Our Ref: FOI3855

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

We refer to your emails requesting information under the Freedom of Information Act 2000 (the Act), in relation to firms that fall under the MIFID and UCITS directives, as follows:

1. *"I need a list of all firms that fall under the MIFID directive.*
2. *I need a list of all firms that fall under the UCITS directive.*

*I would like the report to be provided in either .xls or .pdf format."*

Before considering your requests, I would like to explain how we have processed your requests. Under the Freedom of Information Act, public authorities can aggregate requests in the following circumstances:

- two or more requests for information must have been made to the same public authority;
- they must be either from the same person, or from 'different persons who appear to the public authority to be acting in concert or in pursuance of a campaign' (section 12(4)(b) of the Act);
- the requests must relate to the same or similar information; and
- they must have been received by the public authority within a space of 60 consecutive working days.

The FCA received 2 requests from you on 13 January 2015, relating to a list of firms which fall under the MIFID and UCITS directives and which seek information about the same subject matter. We are therefore aggregating your requests into one FOI request; FOI3855.

Turning now to your aggregated request listed above, this has now been considered under the Act, and I confirm that we hold the information you have requested. With regard to the UK firms that fall under the scope of the UCITS directive, an up to date list is published on the European Securities and Markets Authority's website, as they have been tasked with publishing

a pan-european register of UCITS and MIFID investment firms. The link to the UCITS information can be found here: <http://registers.esma.europa.eu/publication/searchUcits>  
To access the list, select 'United Kingdom' from the 'Home member state' dropdown list and then click 'filter list'.

However, we are still in the process of compiling the list of UK firms that fall under the scope of MIFID, but expect to be in a position to send it to the European Securities and Markets Authority shortly, for the purposes of the pan-european register mentioned above. Therefore, we will not be providing you with this information because we consider that section 22 (Information Intended for Future Publication) applies. For the reasons why this exemption applies, see Annex A, attached.

Given our conclusions above, please continue to check the European Securities and Markets Authority's website going forward for the MiFID related information you have requested.

Yours sincerely

## **Information Access Team**

### 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](http://www.ico.org.uk)

## **Annex A**

- **Section 22 (Information Intended for Future Publication)**

Section 22 of the Act provides that information is exempt if it is held with a view to its publication at some future date. Section 22 is a qualified exemption and is subject to the public interest test. As such we have considered the factors for and against disclosure as follows:

*For disclosure*

Disclosure would increase public awareness of the firms which fall within the scope of MIFID, and enable them to make more informed decisions.

*Against disclosure*

We do not consider it to be in the public interest to release this information in advance of publication, considering it is due to be published in the near future.

Overall, we consider that the public interest lies against disclosure for the reason above, and therefore we do not consider it to be in the public interest to release the information in advance of the scheduled date.