

Direct line: 0207 066 8080  
Email: [foi@fca.org.uk](mailto:foi@fca.org.uk)

29 July 2016

Our Ref: FOI4600

Your Ref:

Dear

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

Thank you for your request for information under the Freedom of Information Act 2000 (the Act), for the following information (please note I have numbered your request for ease in answering):

*"My request builds on information already provided by the FCA in FOI3789 (which asked for the number of Skilled Person Review reports (S166 reports) that have been issued by the FCA which have not led to enforcement activity broken down by quarter for the last two years with a year end of September 30<sup>th</sup>).*

*I would like the following information:*

- 1. The information provided in response to FOI3789 to be updated to include figures up to and including Q4 2015/16 (the information provided in response to FOI3789 only goes up to Q2 2014/15).*
- 2. The information provided in response to FOI3789 details the total number of Skilled Person Reviews and the number of those reviews with no enforcement activity.*
- 3. I would also like to know, broken down by quarter, for the period Q3 2012/13 to Q4 2015/16 how many of the total number of Skilled Person Reviews resulted in the FCA using its statutory powers (other than its enforcement statutory powers)."*

Your request has now been considered and our response is below. Please accept our apologies for the delay in responding.

For points 1 and 2 of your request, covering the period Q3 2014/15 to Q4 2015/16, we can provide the below table detailing the total number of Skilled Person Reviews commissioned and

of those reviews the number with no enforcement activity. This information consists of s166 reviews that remain in-progress and those that have completed. The information is as at the date of this letter:

<b>Year</b>	<b>Quarter</b>	<b>Total Skilled Person Reviews</b>	<b>Reviews with No Enforcement Activity</b>
2014/15	Q3	14	11
2014/15	Q4	15	12
2015/16	Q1	15	14
2015/16	Q2	13	11
2015/16	Q3	4	4
2015/16	Q4	10	8
<b>Total</b>		<b>71</b>	<b>60</b>

To retrieve the information we hold for point 3 of your request, would exceed the 18 hour cost limit permitted under the Act. As you may be aware, when processing a request under the Act we are required to undertake searches of all recorded information held. To search and provide the information would require an individual check for each of the s166 reviews. As this exercise would exceed the cost limit, we consider that the exemption set out in section 12 (Over the cost limit) of the Act applies. For a full explanation of why this exemption applies please refer to Annex A.

Please note, when we refuse a request because the appropriate limit has been exceeded, it is our general policy to provide advice and assistance to the applicant to indicate how the request could be refined or limited to come within the cost limit. We have considered if we can assist you by suggesting how you might narrow point 3 of your request to come within the cost limit, but have been unable to identify a way.

Further, in reaching the conclusion that your request exceeds the appropriate cost limit we have not considered whether any other exemptions apply.

If you have any queries please do contact me.

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.

FCA Restricted

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 12 (Costs 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 (“the Regulations”) made by the 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, 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, to process your request would require us to manually review a large volume of information. For point 3, we would manually have to review records held for each s166 to establish what statutory power used in order to answer this part of your request.

Currently there is no business need to hold this information in the format requested; therefore we estimate this exercise would take well in excess of 18 hours. On that basis, 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.