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Mr Darren Isaac
Via email

24 January 2020

Our Ref: FOI6689

Your Ref:

Dear Mr Isaac

Freedom of Information: internal review

I am very sorry that we have taken so long to respond substantively to your e-mail dated 5 November 2019 asking for an internal review of the Financial Conduct Authority's ("FCA") response of 23 September 2019 to the information you requested under the Freedom of Information Act 2000 ("the Act"). This was:

"Please could you provide the contact information (name, address, phone, email, website) you hold for all registered insurance brokers of any kind or, if that is not possible, all registered insurance members, or all members, including their financial services categories."

In our response of 23 September 2019, we provided you with information responsive to your request. You subsequently raised concerns about the accuracy of the information provided in respect of email addresses. We then explained in our email of 5 November 2019 that some of the email addresses were not captured. We also advised that where provided by the firm, email addresses are publicly available on the FS Register under each firm's contact details. They can therefore be searched using the information we provided to you.

In your email of 5 November 2019 you again question the accuracy of the information we have provided.

As a result, I have conducted a review of our response, to identify whether it contains any discrepancies and whether we can provide you with any further information. I set out my findings below.

As you may be aware, we normally aim to complete a review within 20 working days. In this case, the review has taken considerably longer, for which I apologise.

As part of my review, I have considered what information in relation to email addresses has been disclosed to you. Our response of 23 September 2019 provided you with an excel spreadsheet containing a list of firms with permissions that allow them to carry out general insurance broking and that are supervised within our General Insurance Portfolios. We also explained that not all the firms listed will necessarily be general insurance brokers or be carrying out that activity. Having viewed the information provided by the relevant business area I can confirm that I am satisfied that no information has been redacted from column D, which contains email address details.

As part of my review I have arranged for another spreadsheet to be produced which captures the email addresses which appear on the FS Register please therefore find attached in Annex A to this letter a revised list of all registered brokers by portfolio. However, email address details do not appear in column D for all the firms detailed within the spreadsheet. As part of my review I have therefore considered the reasons for this. Firstly, if I may explain, the majority of firms for which we have not provided an email address are EEA authorised firms (see column C of the attached spreadsheet which details the status of the firm).

For EEA firms currently passporting into the UK the Insurance Distribution Directive prescribes under Articles 4(1) and 6(1) that the National Competent Authorities provide us with specific information. We would, therefore at a minimum, require the following information for the list of firms provided:

Freedom of services:

1. The Intermediary's address

Freedom of establishment:

1. The Intermediary's address
2. The address in the host Member State from which documents may be obtained
3. The name of the person responsible for management of the branch of permanent presence.

Prior to October 2018 the host state regulator was required to provide less information than detailed above.

I am therefore satisfied that we would only hold the email address of an EEA Authorised Firm where the host state regulator has provided it to us. Since 2015 any notifications received have been captured within our electronic database and when the firm was added to the FS Register the email address should have been included, if held.

Any notifications from host state regulators about EEA Authorised Firms received prior to 2015 have now been archived. Therefore, to identify those instances where an email address has been provided to us but not captured within the information disclosed to you would entail reviewing the information appearing on the FS Register, comparing that with the information disclosed to you and then searching our archived files for each firm where they are blank and are EEA Authorised, to see if there were any notifications received from the host state regulator with an email address (not showing on the Register).

In addition, I can also confirm that there are 4 authorised firms which do not have an active Principal Place of Business and a further 151 authorised firms with an active Principal Place of Business but no email address. The email address does not appear on the FS Register or within the list you have been provided with as we have not been provided with this information.

Under section 12(1) of the Act a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with a request would exceed the appropriate limit. Given that the search in respect of notifications from host state regulators about EEA Authorised Firms received prior to 2015 would involve literally hundreds of firms, we consider that this is likely to exceed the cost limit contained in 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 per 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).

The exercise we would have to undertake to identify any additional email addresses, 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.

Also, please note there was an oversight when we originally provided the spreadsheet to you for which I apologise. The following six firms were inadvertently included within the information provided and should be disregarded:

Card Protection Plan Limited (CPP)

The Carphone Warehouse Limited

BNP Paribas (Consumer Credit)

BGL Group

Swinton Group Limited

RAC Financial Services Limited

Conclusion

Had we fully realised when we first received your request what searches would be required to comply with your request in full, we ought to have refused your request under section 12 of the Act, as the Information Commissioner's guidance in relation to section 12 suggests. I am sorry we did not realise that when we should have but we have now provided more information than required under the Act. I am sorry too for the time it has taken us to deal with your request for an internal review. I hope, however, the information we have provided and the explanation provided in this letter are of assistance.

However, if you are not content with the outcome of the internal review, you have a right of appeal to the Information Commissioner at the following address: *Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: 01625 545 700, Website: www.ico.org.uk.*

In any event we are providing the Information Commissioner with a copy of this letter, so they are aware the internal review has been completed.

Yours sincerely

A handwritten signature in black ink, appearing to read 'PP Pegg'.

Edward Pegg
Internal Reviewer