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**Private and Confidential**

Mr N Wilson  
By Email

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17 August 2018

Our Ref: RR/046/18

Your Ref:

Dear Mr Wilson,

Thank you for your email dated 16 July 2018 in which you make a subject access request under the General Data Protection Regulation 2018 (EU) 2016/679 (GDPR) for a copy of all your personal data held by the FCA.

Under Article 15 of the GDPR, you have the right to request a copy of your personal data and we have considered your request carefully. However, we cannot provide the information requested for the reasons set out below.

Article 12(5)(b) of the GDPR permits the FCA not to act upon a subject access request where that request is manifestly unfounded or excessive. In your case, to process your request would involve a review of an excessive amount of material which may or may not contain your personal data. In circumstances where (a) we would need to review an excessive volume of material to determine whether it contains your personal data (b) having regard to the relationship between you and the FCA, it is likely that we only hold limited amounts of your personal data and (c) you are already aware of much of the information we hold about you, we consider that it would be excessive to review that material for the purposes of extracting your personal data. Unfortunately, this means that we are not able to provide you with the information requested.

**Personal data – our approach**

We arrived at this view having conducted initial searches to understand how much information we hold, and which would need to be reviewed. We have also considered the nature of the information that we are likely to hold, since this is also relevant to our assessment of your request.

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Our initial searches used your name as a search term. This identified more than 12,200 documents which may contain your personal data. To respond to your request, we would have to review each of those documents to decide if they contained your personal data as opposed to information which related to other subjects. If an average document consists of 2 pages, that means there will be over 24,400 pages for us to review. Allowing 1 minute per page just to establish whether it contained personal data, this could take in excess of 400 hours. This would not include the time to review and redact documents where information was not personal data at all (eg because the information related to firms or the FCA rather than to yourself), where there was also the personal data of other individuals (whose interests we would have to take into account) or to consider whether any of the exemptions contained within the Data Protection Act 2018 (DPA) (which implements the exemptions permitted by the GDPR) apply.

In forming our judgment, as indicated above, we have taken into account the nature of your relationship with the FCA. You are not an individual who is or has been regulated by the FCA (described as Approved Persons in the Financial Services and Markets Act 2000), nor have you been investigated by the FCA in any other context. The FCA's interest in you has been limited to your whistleblowing allegations about an allegedly 'unfair' debt collection charge applied to the unsecured loan accounts of customers of HFC Bank Limited ("HFC") and John Lewis Financial Services Limited ("JLFSL"). Therefore, the amount of information we hold which is about you as an individual is relatively small when compared with the information we hold about the FCA's work in relation to your allegations about HFC and JLFSL. We would therefore have to review significant volumes of information which may mention you, but would be likely to contain a very small, if not any personal data about you, in order to satisfy your request.

Further, we have also taken into account that the GDPR, like the predecessor regime, does not have as a purpose access to documents as opposed to information. A data controller is not obliged to supply each document in which the same personal data is recorded. Nor is it a purpose of the regime to provide access to records held by public authorities.

In coming to our decision, we have considered if not processing your request would materially affect the exercise of certain rights you are entitled to under the GDPR. However, in our view, given the particular circumstances of your case, we do not believe that you will suffer detriment.

I am sorry that this may not be the response you were hoping for, but I hope that I have explained the approach we have taken when considering your request and in particular, why we are unable to respond to it as it is presently formulated. You may wish to consider making a further, much more focused request (e.g. by reference to an event which took place on a particular date) which we would of course be happy to consider.

I attach an annex containing the information we are required to give you about our processing of your personal data under Article 15 of the GDPR.

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Lastly, you have a right to complain about the handling of your request(s) to the supervisory authority for the purposes of the GDPR in the UK. You may also seek to enforce your right of access through a judicial remedy. If you have a query or are dissatisfied with the outcome of your request, we would encourage you to contact us first and we will consider your query or concern in line with our obligations under the GDPR. If you remain dissatisfied with our response to your concern, you may contact the Information Commissioner's Office, the regulator for the GDPR, to make a formal complaint about how we have handled your request:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
casework@ico.org.uk

Yours sincerely



**Ellie Ochiltree**

**Information Disclosure**

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## **Annex B - Information under Article 15 of the General Data Protection Regulation 2018 (EU) 2016/679 (GDPR)**

In response to your request for information about yourself under Article 15 of the General Data Protection Regulation, we provide the following information.

**1.** The FCA is processing data about you.

**(a)**– Approved/Non Approved persons – We process this data to carry out our regulatory functions under the Financial Services and Markets Act 2000 and other relevant legislation.

**(b)** - Approved Person – This data relates to you as an approved person performing controlled functions within a regulated firm.

or

Non approved person – This data may relate to your dealings with a company involved in the financial services sector or listed on the London Stock Exchange, or your involvement or possible involvement in the carrying on of a regulated activity. This data may also relate to you as a consumer or a complainant.

**(c)** The data may be disclosed to other bodies, some of whom are carrying out regulatory or public interest functions, including law enforcement agencies, to regulated firms, professional advisors, consultants and other persons helping us carry out the functions described above, both within and outside the UK.

**(d)** – See our records management policy to check how long we keep your personal data under data retention <https://www.fca.org.uk/privacy>

**(e)** – You have a right to request the FCA to erase or rectify your personal data or restrict processing your personal data, or to object to such processing.

**(g)** – You have a right to lodge a complaint with the Information Commissioner’s Office if you are unhappy with our response.

**(h)** The source of the data is provided as part of the response to the subject access request.

**(i)** – Automated decision making exists for assessing approved persons applications where the case is treated as a straight-through approval.

**2.** Your personal data may be transferred to a third country or to an international organisation; you have the right to be informed of the appropriate safeguards relating to the transfer.

**3.** If you would like any further copies of information, we may charge a reasonable fee to cover our administrative costs. Where you make the request by email, and unless otherwise requested by you, we will provide the information in a commonly used electronic form.

**4.** The right to obtain a copy of your information has not adversely affected the rights and freedoms of others.

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For more information on how we process your personal data, please see our website <https://www.fca.org.uk/privacy>

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