

29 December 2016

Dear Complainant,

**Complaint against the Financial Conduct Authority
Our reference Number: FCA00252**

You telephoned this office on 17th November 2016 to complain about the Financial Conduct Authority (FCA), who had not upheld a complaint which you made against them.

How the Complaints Scheme works

As you can find full details of how I deal with complaints at www.fsc.gov.uk I have not set them out here. If you need further information, or information in a special format, please contact my office at complaintscommissioner@fsc.gov.uk, or telephone 020 7562 5530, and we will do our best to help.

Your complaint

You have not provided details of your complaint in writing to us but, as my colleague undertook to you during the telephone call, we have obtained the full record from the FCA, and studied it carefully. From that, it is clear that your original complaint was about E, a credit reference agency: you were unhappy that that firm had told you that they had 21-28 days to respond to you, and that that time limit was based on law – a fact that you later found out was incorrect. You were also unhappy that, when you made a complaint about this to the FCA's Customer Contact Centre (CCC), you were told that they would be unable to give you feedback on how your information had been used.

In its letter of 11th November 2016, the FCA said that it had concluded that your complaint was one of "dissatisfaction with the FCA's general policies", and was therefore not one which could be investigated under this Complaints Scheme. It went on to explain why the FCA could not generally provide feedback to people complaining about regulated firms.

My findings

Having considered your complaint carefully, I agree with the FCA's conclusion. Paragraph 3.5 of the Complaints Scheme says:

The regulators will not investigate a complaint under the Scheme which they reasonably consider amounts to no more than dissatisfaction with the regulators' general policies or with the exercise of, or failure to exercise, a discretion where no unreasonable, unprofessional or other misconduct is alleged.

I realise that it must be frustrating to you not to be told what – if any – action the FCA may take in response to the information which you have provided to them about E. However, there are good reasons why the FCA is restricted in what it can tell complainants. Section 348 of the Financial Services and Markets Act 2000 forbids the FCA from disclosing confidential information about the firms it regulates, and the FCA has to be careful not to disclose information about any actions it may be taking against a firm in case that prejudices its inquiries. If the FCA's actions result in formal sanctions against a firm that will be made public.

It is important to distinguish between the actions which the FCA – as the regulator – may take against a firm generally, and the actions which the Financial Ombudsman Service (FOS) may take to remedy an individual complaint. The FOS does, of course, tell complainants the outcome of their complaints. It is not clear to me whether you have considered making a complaint to the FOS about your particular circumstances, but you might wish to do so. Further details of the FOS's role can be found at <http://www.financial-ombudsman.org.uk/>.

I appreciate that you will be disappointed with my decision but hope that you will understand why I have reached it

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Antony Townsend', with a large, stylized flourish at the end.

Antony Townsend
Complaints Commissioner