

10 May 2022

Final report by the Complaints Commissioner**Complaint number FCA001642***The complaint*

1. On 22 February 2022 you asked me to investigate a complaint about the FCA.

What the complaint is about

2. The FCA summarised your complaint as follows:

Part One

You are unhappy that in your complaint back in 2009, the FSA/FCA were in dereliction of its duty to inform you of both the fact and the impact of its DPA exemption in the specific context of your original complaint. You believe that, had the FSA/FCA done this at the earliest opportunity, a vast amount of their own time, as well as your own, would not have been wasted.

Part Two

The new complaint which you raised on 12 August 2021, whilst being acknowledged, was not substantively addressed nor have any monthly updates been provided to you.

What the regulator decided

3. The FCA declined to investigate Part One of your complaint on the basis that it is a continuation of, and directly relates to your complaint of 2009. Therefore, the FCA's view is that a new complaint subject or issue is not being raised here.
4. The FCA upheld Part Two of your complaint, apologised for poor handling and delays in dealing with your complaint and offered you £125 ex gratia payment.

Why you are unhappy with the regulator's decision

5. You summarised your complaint going back to 2009, explained you remain dissatisfied with the FCA's actions with respect to its Financial Services Register and that you feel the FCA should have informed you of its exemptions under the Data Protection Act during its previous investigation of your complaint.
6. You have asked for my view on whether the remedy offered by the FCA for Part Two of your complaint is sufficient.

My analysis

7. Your complaint about the FCA register, namely about the way information is displayed about your and your wife's individual records and firm X, has been the subject of the issues raised in your substantive complaint on four previous occasions. The first report was issued in 2009 (the 2009 report). My predecessor issued three further reports, FCA00190 was issued in 2017; FCA00437 was issued in 2018 and FCA00823 was issued in 2020.
8. The FCA said that it had considered the points you raised in this current complaint but that it felt it was a continuation of and directly related to your 2009 complaint. The FCA therefore declined to consider your complaint again. It also said that this would now be their final communication concerning this complaint, or any issues which directly relate to the subject matter. This is because both the Commissioner and the FSA/FCA have issued final responses on the matter. Any further correspondence received regarding this matter will be logged but not responded to by the FCA.
9. Your complaint about the FCA register is longstanding, with a number of complex issues involved which have been reviewed in previous reports. I consider your current complaint to be connected to the matters raised in your previous complaints. Therefore, I agree with the FCA that it was correct not to revisit this matter. I appreciate that you remain dissatisfied with the outcome on your complaints, however, I see no grounds for reopening this complaint. I also agree with the FCA that both it, and this office, have reviewed this complaint thoroughly and that finality must be reached. Therefore, I agree with the FCA that it is not unreasonable for it not to correspond further with you on this topic.

10. I now turn to Part Two of your complaint. It is clear that the FCA's review of your complaint was delayed and there were instances when your correspondence was not replied to. The FCA has apologised and offered you £125 ex gratia payment. I welcome the FCA's offer to you and its apology, which I consider sufficient in the circumstances.

My decision

11. You have expressed to me that you do not consider that the previous Commissioner's and my views are necessarily right and you remain dissatisfied that matters related to this complaint have not been resolved in a satisfactory manner to you. Previous reports have concurred that the FCA could have done more at appropriate times during the 13 year history of your complaint, and that its position has at times been unclear. The FCA has itself upheld aspects of your complaint. The crux of the matter is that notwithstanding all that, and for the reasons touched upon in the four previous reviews mentioned above in paragraph seven, unfortunately there is nothing more that can be done for you under the Complaints Scheme.

Amerdeep Somal

Complaints Commissioner

10 May 2022