

22th February 2017

Dear Complainant

Complaint against the Financial Conduct Authority
Our reference: FCA00275

Thank you for your email of 19 January 2017. I have completed further enquiries of the FCA, and can now write to you. In reaching my final decision, I have carefully considered the points you made in your email of 8 February 2017, in which you responded to my preliminary decision, and I refer to some of them below.

How the complaints scheme works

Under the complaints scheme, I can review the decisions of the FCA Complaints Team. If I disagree with their decisions, I can recommend that the FCA should apologise to you, take other action to put things right, or make a payment.

Your complaint

Your firm was sent an email from the FCA requiring you to complete a survey by clicking on a link inside the email.

You consider that this is ‘a negligent and unacceptable act’ as fraudsters could send emails purporting to be the FCA - ‘all FCA authorised firms should have the policy of never clicking a link in an email, as that link could lead the user to the criminals website where Trojans and other malware could be placed onto their computer.’

My understanding of your complaint is that you consider that the FCA should not send emails containing links.

You also complained that domain address of the data collection firm was not a UK firm, and therefore was a security threat.

The FCA did not uphold either of your complaints and you approached me for an independent review.

From the review of the papers before me, I can see that the FCA has carefully considered the issue of using links in their surveys. In its decision letter to you, the FCA has explained its approach to data collection and the security measures in place.

I appreciate that the FCA has not specifically addressed the issue of potential damage to your computer systems from fraudulent emails. However, ultimately that is a concern the firm has to address, and not the FCA.

The FCA has explained to you in its decision letter that you need not follow a link if you do not wish to, and in your case you completed the survey through alternative means. This seems to me a reasonable approach for the FCA to take.

In your response to my preliminary decision, you reaffirmed your points about the possible risks of clicking on links and you mentioned that in your company staff are not allowed to click on links as a matter of company policy. You firmly believe links inside emails should never be clicked.

I shared your response with the FCA. Whilst it remains the case that there is no 'industry standard' as such regarding links in emails, and it is clearly the responsibility of firms to protect their computer systems from cyber damage, the FCA has considered your helpful feedback and given further thought to the fact that people may be unsure whether the emails which include surveys are genuine. As a result, the FCA will, in future, include the contact centre's number in the body of the email inviting firms to contact the FCA if they would like further information.

In this way, firms such as yours need not click on the links in the survey if you do not wish to. I hope this goes some way to alleviate your concerns on this matter.

I do however, agree that the use of an outdated domain name 'fsonlinesurveys.co.uk' could have led you to believe the survey might be fraudulent. The FCA has confirmed that it is planning to update the domain name, and I urge them to do so as soon as possible.

I now turn to your second complaint. You are concerned that the website where you were asked to complete the survey is owned by an American company. You feel that it would be 'possible for the foreign owner of that domain to temporarily point it to an insecure foreign address at any time, and then switch it back again. So this is totally insecure, and the FCA should only be using domains which are owned and controlled by safe UK entities.'

The FCA has explained to you that it has undertaken checks of the provider, which is an American company, and is satisfied with the security arrangements in place. This does not appear to be an unreasonable response.

I therefore do not uphold this complaint.

Conclusion

The FCA will amend the body of its survey emails to invite firms to contact the FCA contact centre if they do not wish to click on a link. I believe this to be a reasonable outcome to the problem you have highlighted.

I do not uphold your second complaint, since it appears that that the FCA has made the necessary security checks. I appreciate you may be disappointed with this decision, but I hope you will understand why I have reached it.

I recommend, that the FCA implements its decision to amend the domain name 'fsonlinesurveys.co.uk' as soon as possible.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Antony Townsend', with a large loop at the end of the last name.

Antony Townsend
Complaints Commissioner