

17 June 2020

**Final report by the Complaints Commissioner****Complaint number FCA00728***The complaint*

1. On 15 April you complained to me about the FCA's decision on your complaint.

*What the complaint is about*

2. Your complaint arises from a data breach by the FCA. In 2019, you complained to the FCA and subsequently to me about a problem with the FCA register. The FCA described the data breach as follows:

*In July 2019, the FCA received a Freedom of Information Request that asked for statistical data concerning the number of complaints received under the FCA's Complaints Scheme for the calendar years 2018 and 2019. The data was compiled using a spreadsheet, which mistakenly included two hidden data fields that contained personal data. They were:*

- *Name of person making the complaint*
- *A summary of the complaint.*

*This spreadsheet was supplied in our response in September 2019, and published on our FOIA Disclosure Log (<https://www.fca.org.uk/freedom-information/disclosure-log>) in November 2019. The FCA became aware of the mistake on 9 February 2020 and immediately removed the data from its website. The FCA also reported the incident to the Information Commissioner's Office.*

*The data was included in a pivot table within an Excel spreadsheet and it was not immediately obvious to anyone viewing the contents. The information was hidden from plain view behind the summary table. Whilst we have no*

*indications at present that your data has been seen by anyone (other than the person who reported it to us), we are not able to guarantee this.*

*The FCA implemented proactive monitoring by cyber intelligence experts to identify any copies of the information that might appear on the internet, with none being detected to date. The FCA also introduced additional checks to prevent this occurring again.*

#### *What the regulator decided*

3. The FCA apologised to you for its error, and offered you protective registration with Cifas (a scheme for reducing the risk of fraudulent use of personal data).

#### *Why you are unhappy with the regulator's decision*

4. In your email to me you say you would like

*substantial compensation for damages to privacy ,stress and trauma from the case all stemming from the FCA incompetence to deal with confidential matters.*

#### *My analysis*

5. The facts behind your complaint are not in doubt. Amongst many other people, you have been the subject of an FCA data breach. That breach ought not to have happened.
6. I have been briefed about this incident. It is clear that, as soon as the matter was drawn to the FCA's attention, it took swift action, including removing the information from its website and reporting itself to the Information Commissioner's Office. (It also informed my Office.)
7. Coming on top of the problems which led to your earlier, upheld, complaint, this has added to your dissatisfaction with the FCA. However, I note that the FCA contacted you, has issued you with an apology, and offered to pay for protective registration with Cifas, which you have accepted. Additionally, it has drawn your attention to your right to complain to the Information Commissioner's Office, which is the organisation with principal responsibilities for these matters.

*My decision*

8. The FCA has already upheld your complaint, which is clearly right. It has also offered you an apology, and protective Cifas registration, and directed you to the Information Commissioner's Office. Although I understand your concerns, I have not seen any evidence of specific harm arising from the data breach. In the circumstances, I consider that the FCA's response to you is sufficient.

Antony Townsend

Complaints Commissioner

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