

17 March 2022

To whom it may concern

By email: [REDACTED]

Dear Sir or Madam

### Official Information Act 1982 Request (OIA) – whistleblowing information

Thank you for your email dated 24 February 2022, requesting for

*“...whistleblowing policy specifically regarding how you protect the whistleblower; and what is your standard investigation procedures related to FAPs if you believe that there has been lots violation of provisions of FMCA, FMCR and FMP(RDR)A...”*

We have considered your request under the Official Information Act 1982.

#### *Whistle-blower*

In relation to your request regarding FMA’s policy in relation to external whistle-blowers and informants, further information can be found on this link: <https://www.fma.govt.nz/contact/> under the ‘Whistleblowing and informants’ section.

As stated on our website, FMA will take all possible steps to protect the identity of anyone who gives us information in good faith. Information provided to us in confidence is protected by the Financial Markets Conduct Act and remains confidential, except where the FMA Act permits its disclosure. If we need to disclose information that may reveal the identity of the person providing it, we will let them know first. The FMA may be legally required to disclose a person’s identity, or disclosure may be necessary to successfully progress an investigation.

If the law does not provide specific whistleblower protection, we cannot guarantee you immunity from legal action in return for information. However, we will always take into account voluntary disclosures and other forms of cooperation when considering what action is appropriate.

#### *Investigation procedure*

In relation to your request for FMA’s standard investigation procedures, we investigate a range of complaints about the conduct of individuals and businesses that operate in our financial markets.

However, while we consider all information we receive, not all matters will be investigated. Once we receive a complaint, we:

1. Assess the seriousness of your complaint.
2. Decide if we need more information and respond to your request.
3. If the issue potentially breaks one of the laws we enforce, we consider what action we should take. We have broad range of powers and functions and may deal with a matter in a number of ways, including initiating an investigation.

If an investigation is formally initiated, typically we notify the relevant parties and normally seek further information from relevant parties. This may include seeking information through the use of our information gathering powers. That information is assessed and evaluated against the relevant legal provisions. If a breach is identified, we must also take into account the public interest, including the FMA's strategic priorities in deciding what action we might take. In some cases, we may decide not to take action for a number of reasons, including our regulatory priorities, policies and resources. If this is the case, we let the complainant know.

We have a broad range of regulatory tools to respond to market conduct. Further information regarding our enforcement processes can be found on this link: [Enforcement | FMA](#).

I hope the above information assists you. You have the right to complain to the Ombudsman regarding our assessment of your OIA request, in accordance with section 28 of the Official Information Act. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or phone 0800 802 602.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nath', with a long horizontal stroke extending to the right.

Nath Lostitmonton  
**Intermediate Solicitor, Governance**