

The complaint

Mr H complains that Ulster Bank Ltd retained his information without permission after it failed to close a credit card account.

What happened

The background to this complaint and my initial conclusions were set out in my provisional decision. I said:

Mr H was a customer of Ulster Bank when he entered into a Debt Relief Order (DRO). An Ulster Bank credit card in Mr H's name was included in the DRO with the outstanding balance being discharged when it came to an end in 2012. Mr H has explained he assumed his accounts included in the DRO would be closed once it ended.

Mr H didn't receive any further correspondence from Ulster Bank until April 2021 when it wrote to provide information about a change in business structure. Mr H responded and complained as he didn't realise he had open accounts or was still a customer of the bank. Mr H has raised concerns over Ulster Bank's retention of his private information.

Ulster Bank says it issued a final response on 29 April 2021 by email and post. Mr H has told us the final response wasn't received.

An investigator at this service looked at Mr H's complaint and upheld it. They said Ulster Bank should ensure no further correspondence is sent to Mr H.

Mr H has told us he thinks the final response was fraudulently produced, not on the date Ulster Bank says it was sent. Mr H also said the email address Ulster Bank used to send its final response wasn't his and that he hadn't received a copy. As Mr H and the investigator didn't agree, his complaint has been passed to me to make a decision.

What I've provisionally decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

First, I'm aware I've set out the background to this complaint in far less detail than the parties and I've done so using my own words. I'm not going to respond to every single point made by all the parties involved. No discourtesy is intended by this. Instead, I've focussed on what I think are the key issues here.

Our rules allow me to take this approach. It simply reflects the informal nature of our service as a free alternative to the courts. If there's something I haven't mentioned, it isn't because I've ignored it. I haven't. I'm satisfied I don't need to comment on every individual argument to be able to reach what I think is the right outcome.

There are several issues at play here. I'm going to start by looking at what happened when Mr H's DRO ended. Ulster Bank hasn't provided any evidence to show it followed the

correct process by leaving Mr H's credit card account open on its systems once Mr H's DRO was over. Given how a DRO operates, it does seem unusual that Mr H's credit card account wasn't closed. Ultimately, the DRO meant the account balance was written off.

In addition, Ulster Bank didn't send Mr H any correspondence, statements or information to show the account remained open. Ulster Bank has confirmed it didn't report Mr H's account on his credit file, the case handler told us it just remained open on its systems. I haven't seen anything that satisfactorily explains why the credit card account remained open for so many years. I'm not persuaded Ulster Bank has acted reasonably.

Mr H has told us he thought the account was closed, in line with information provided by the insolvency service. And Mr H has told us he's upset that Ulster Bank has retained his private information unnecessarily for around nine years, without good reason. I can understand why Mr H thought the credit card had been closed that that he was no longer a customer of Ulster Bank.

Like the investigator, I think it's important that Ulster Bank ceases correspondence with Mr H. Ulster Bank should also take steps to ensure the credit card account is closed on its systems. Mr H has given clear guidance on the fact he didn't know the account was opened and doesn't consider himself to be a customer of Ulster Bank.

I can see this issue is very important to Mr H. I understand there's no financial loss and the impact of the issue on a day to day basis has been minimal. But it's clear Mr H has been distressed by Ulster Bank's decision to leave his credit card account open which meant it's retained personal information about him beyond the point it would've done had the account been closed. I'm satisfied the issues raised have caused Mr H unnecessary distress and inconvenience. Based on the information I've seen so far, I intend to tell Ulster Bank to pay Mr H £200 to reflect that.

Mr H has raised concerns about whether the final response issued on 29 April 2021 is genuine. I've looked at the data Mr H provided and can see his point. Ulster Bank has explained the date reflects the point at which a complaints handler prepared its file for submission to this service. I note Mr H's concerns, but I'm satisfied that's a plausible explanation.

Mr H has also confirmed he didn't receive the final response by email or in the post. Ulster Bank has provided an email address it says the final response was sent to, but Mr H says it's not one he's ever used. Ulster Bank has provided systems information that records the email address as being registered in 2009. In addition, Ulster Bank has sent further systems evidence to show the final response was emailed to that address on 29 April 2021 as claimed. I don't know why the email address on file doesn't match Mr H's details. But I'm satisfied the final response was emailed.

I understand the final response wasn't received in the post either. But the final response I've seen is correctly addressed, in line with details Mr H has provided to this service. I'm sorry to disappoint Mr H but I'm satisfied the final response was sent to him as claimed and set out Ulster Bank's explanation of why his account remained open.

I invited both parties to respond with any additional comments or information they wanted me to consider before reaching my final decision. Mr H responded and said he was minded to accept but wanted written confirmation Ulster Bank would close his account and cease all correspondence with him. Mr H also asked about the time frame for receiving the compensation awarded. Ulster Bank responded and confirmed it had nothing further to add.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Mr H has asked for written confirmation that shows his account has been closed and that Ulster Bank won't contact him again. Ulster Bank has confirmed it has reviewed the provisional decision and has nothing further to add. In addition, if Mr H accepts, this final decision will become legally binding on Ulster Bank.

We ask businesses to settle within four weeks of acceptance. If Mr H experiences delays, he's welcome to contact our investigator for assistance.

As neither party has provided new information for me to consider, I'm going to proceed in line with my provisional decision. I still think Mr H's complaint should be upheld, for the same reasons.

My final decision

My decision is that I uphold Mr H's complaint and direct Ulster Bank to settle as follows:

- Close the credit card account
- Cease all correspondence with Mr H
- Pay Mr H £200 for the distress and inconvenience caused

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 8 July 2022.

Marco Manente
Ombudsman