

The complaint

Mrs L complains that FCE Bank Plc trading as Ford Money has compromised her personal data and caused her serious worry.

Mrs L wants Ford Money to compensate her for the resulting distress and restoration of her email address book.

What happened

Ford Money ran a competition open to all customers that held a particular savings account. Mrs L entered. When Ford Money announced the winner of the competition, its employee made a mistake by copying everyone that entered into the results email when they should have added the email addresses in the blind carbon copy field. As a result, Mrs L's email address was shared with the other competition entrants, and she could see their email addresses.

Mrs L contacted Ford Money. Ford Money treated the email as a complaint and looked into the matter. In its final response, Ford Money accepted it had made a mistake which resulted in Mrs L's email address being visible to other recipients who participated in the competition. It apologised and explained the changes it had made to its business practices to prevent something similar from happening in the future. It confirmed it had reported the breach to the Information Commissioner's Office (ICO). It thought the incident was low risk and did not cause Mrs L any significant detriment. It paid Mrs L £50 compensation as a gesture of goodwill to recognise that this incident caused trouble and upset.

Mrs L didn't consider the matter to be resolved. She said the steps Ford Money took were not adequate because there was a high risk of identity theft or fraud for all the individuals involved in the data breach. She said that any of the recipients may at any time have their email account compromised and a hacker would have access to the names and email addresses and be able to spoof emails from Ford Money in multiple phishing attempts. She provided a list of actions that she expected Ford Money to take.

Ford Money said it had referred the matter to its internal data protection team and the ICO. It accepted a breach had occurred and suggested that Mrs L deleted the emails received and remove any personal email addresses from her records.

Mrs L referred the matter to us. She explained she takes great care of her own email to avoid spam and phishing emails and explained that removing these email addresses from her genuine contacts will take time and added stress. She also referred to the compensation awarded in other data breach complaints considered by this service.

Our Investigator considered the matter but didn't recommend that Ford Money should have to take any further action. She said the personal information disclosed was minimal and not sensitive. She thought Ford Money had done what we would expect following the data breach and considered the offer of £50 compensation was reasonable in the circumstances.

Mrs L disagreed. She wanted the Ombudsman to intervene and take a firmer stand. She

said she had received four phishing emails purporting to be from Ford Money, proving that other recipients of the email had been compromised. She explained that £50 is not enough to pay a computer consultant to clean her address book of the unwanted Ford Money customer email addresses and put her back in the position she was in prior to the data breach. She explained she expected Ford Money to pay £250 for the personal distress and inconvenience she'd been caused and £500 to cover the cost of cleaning up the data in her address book. She concluded by saying the Ombudsman has allowed Ford Money to escape taking responsibility for the inadequate sum of just £50.

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.

Having done so, I think it's significant to explain, at the outset, that our role is to provide an informal dispute resolution service. That's important to stress because, while I understand Mrs L's frustration at what happened, it means there are limits to what we can do. We aren't regulators and we don't have the powers of a regulator to, for example, fine or "punish" a business. What I can consider is whether a business's mistakes caused someone a financial loss and/or distress and inconvenience and, if so, what the business needs to do to put things right.

There's no dispute that a mistake was made. Ford Money has accepted that personal data has inadvertently been shared. What I need to consider is whether what Ford Money has done to seek to put things right is enough.

I can appreciate what happened has caused Mrs L worry. She's described the anxiety she feels and the potential that things could be much more severe if her email address is now targeted by an unauthorised third party seeking to exploit an opportunity to impersonate Ford Money. But when considering a compensatory award, I need to consider what has happened – not what may or may not happen in the future.

I don't want to in any way downplay the distress and upset that Mrs L has felt after learning about the breach. I have considered everything Mrs L has said and provided, but I'm afraid I can't fairly recommend that Ford Money should have to increase the level of compensation it has offered because of how far reaching the impact of the breach could be. There's nothing to show Mrs L has suffered a financial loss as a direct result of her email address being shared more widely than it should have been. I'm also not persuaded I can fairly say that Ford Money should pay £500 for a computer consultant to undertake the administration of deleting unwanted contacts from Mrs L's email address book.

I'm mindful that Ford Money has taken what happened seriously. It has reported the incident to the ICO, which is the right thing to do when mistakes like this happen. It's also explained it has provided training to its staff and changed its internal processes to reduce the risk of an error like this one reoccurring.

I'm aware that Mrs L has referred to other complaints we have considered where there have been data breaches and more compensation has been paid. But we consider each complaint on its own merits and its own individual circumstances. As such, it's not appropriate to say that the outcome and remedy applied to one customer is automatically the same outcome and remedy that must be applied to all customers.

I'm sorry to have to disappoint Mrs L. I know how strongly she feels about what's happened. But in the circumstances here, I consider Ford Money has already taken reasonable steps to address matters and that the £50 compensation it paid to Mrs L was a fair way to recognise

the impact of what happened. I don't doubt the sincerity with which Mrs L brings this complaint, however I don't think the circumstances warrant the award that she is seeking.

My final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs L to accept or reject my decision before 12 April 2024.

Claire Marsh
Ombudsman