

The complaint

Mrs M is unhappy that American Express Services Europe Limited (AESEL) changed her statements to paperless despite her telling it she wanted paper statements.

Mrs M is represented in bringing her complaint by her husband Mr M – who is also an additional card holder. But for ease of reading, I'll refer to all submissions as being made by her directly.

What happened

AESEL sent e-mails to its customers over a period of three months to notify them that it was switching all its customers statements to paperless from 15 August 2023. It advised its customers to contact it if they wanted to keep paper statements after 15 August 2023.

On each occasion Mrs M received the e-mail from AESEL, she notified it that she wanted to continue to receive paper statements. But, on 15 August, Mrs M's statements were changed to paperless contrary to her instructions and an email was received to that effect.

Mrs M raised a complaint with AESEL and it sent an email thanking Mrs M for taking the time to talk and saying the complaint was resolved. Unhappy with this, Mrs M brought the complaint to us.

One of our investigators looked at Mrs M's complaint and said AESEL hadn't done anything wrong. They said AESEL had been clear in its emails and that it had updated Mrs M's preference to paper statements once it had been notified of this after 15 August. So they weren't asking AESEL to do anymore.

Mrs M disagreed with our investigator's opinion and asked for the complaint to be reviewed by an ombudsman. It's therefore been passed to me to decide.

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.

Whilst I realise this will come as a disappointment to Mrs M, I don't intend to uphold this complaint for the reasons below.

AESEL took a commercial decision to switch all its customers to receive paperless statements - unless they contacted it after a certain date to make them aware that they wanted this information in a different way. That's a decision it's entitled to make as a business. But what I can look at is whether AESEL dealt with Mrs M's requests in a fair and reasonable way.

Having looked at what's been said here, Mrs M has said she received e-mails from AESEL regarding the switch to paperless statements and on each occasion, updated her preference with AESEL to continue to receive paper statements. Mrs M says that she wasn't aware the final decision had to be made in August and she disputes the fact that the e-mails which were sent to her by our investigator were those she received in May and July. For its part, AESEL say the only emails sent to its customers were those which have been sent to us.

Where there is a difference in testimony, as there is in this case between Mrs M and AESEL, I have to decide what's most likely to have happened on the balance of probabilities.

I have no doubt that there were emails in May and July as Mrs M was prompted to contact AESEL to continue getting paper statements. But the issue here is what those emails said. Mrs M says she believed she could change her statement preference immediately and therefore the repeated notifications that she was going paperless was an error. Unfortunately, Mrs M doesn't have a copy of the emails she received. But AESEL says the only emails sent were those that gave 15 August 2023 as the switch date. And it has provided a copy of the emails to us which our investigator shared with Mrs M. It's also provided us with a copy of their internal contact notes to show that emails were sent (albeit those notes don't show the wording of the emails). On the balance of probability, I've decided that it's more likely the emails sent were those that have been forwarded by AESEL. I understand Mrs M feels strongly that isn't the case, but I believe on balance that's what is most likely to have happened.

If I then look at the emails sent, I can see that it says

“If you wish to return to paper, you can do this by logging into your account or contacting us after 15 August”

I find this to be clear and so don't believe AESEL did anything wrong by switching Mrs M's account to paperless on 15 August. I see that AESEL has confirmed it has registered Mrs M's preference to get paper statements going forward and I think that's the right thing to do.

Based on all the above, I don't find AESEL have made a mistake here and so I won't be asking it to do anything further.

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 M to accept or reject my decision before 15 May 2024.

Stephen Farmer
Ombudsman