

The complaint

Mrs M complains that a member of staff at National Westminster Bank Plc (NatWest) deleted an app from her mobile phone, resulting in the loss of precious information. She says this has left her feeling emotionally and physically distraught.

What happened

Our investigator set out a detailed account of what happened in her outcome letter to both parties, so I won't be repeating everything here. Instead, I shall provide a summary of what I consider to be the key facts.

Mrs M visited her branch to get advice on how to download its new app. A member of staff took her mobile phone to assist but deleted some apps without Mrs M's permission, including a messaging app. As a result, Mrs M lost sentimental photos, videos and messages, including from her partner who had died recently.

She complained to the bank, expressing she hadn't given permission for the apps to be deleted and losing these precious memories had left her feeling traumatised. NatWest investigated and responded. It said, it understood Mrs M had visited the branch to pay a bill and noted that her app needed updating. There wasn't enough memory on the phone to do this. So, it told her that she'd need to delete some of her apps. Mrs M had noticed afterwards that the messaging app was gone.

The bank accepted that something its member of staff had done had resulted in the loss of her messages after handling the phone. To say sorry and recognise the distress caused, it paid £200 into her account.

Mrs M didn't think this resolved her complaint. She believed the branch had mis-represented what had happened to the complaints department - she hadn't been paying a bill and it had erroneously referred to her late husband rather than her partner. She added that she didn't think the compensation reflected the seriousness of what had happened and how this had left her feeling.

NatWest issued a further response. It apologised, corrected what it had said and revised its offer of compensation to £500.

Mrs M rejected this and referred her complaint to us. One of our investigators looked into what happened. They felt that a fair way to resolve the complaint would be for NatWest to pay Mrs M £750 compensation, as in their view this was proportionate to the impact. NatWest agreed with the recommendation but Mrs M didn't. She asked that her case be put forward for a decision. In doing so, she made the following points:

- The member of staff hadn't been asked to delete the apps. She'd acted on her own volition.
- These actions had caused the permanent loss of irreplaceable data, which still caused her immense stress and anguish.

- To-date NatWest hadn't interviewed the member of staff to understand why it was acceptable to delete the apps. It appeared the bank was unwilling.
- Further upset had been caused when some aspects of what had happened had been mis-represented.

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.

Mrs M has made detailed submissions about how this has impacted her. I have read and considered everything she has said. Ultimately, it's not possible to unwind what happened or put a price on memories. So, the key question I have to answer is, do I think what NatWest has done to deal with the obvious distress, a reasonable way to resolve the complaint. So, this is what I have focused on.

NatWest accepted data disappeared after it had handled the phone. The main thing I would have expected it to do in those circumstances, is to apologise profusely, acknowledge the error and recognise how important the messages were to her. Having reviewed the bank's response to the complaint, I'm satisfied it did this. It also sent flowers to say sorry and paid £200.

It's disappointing there were some factual inaccuracies. But NatWest quickly corrected these, issued a new response, and offered to pay £500 instead. It's now agreed to our investigator's recommendation to increase this to £750. Having weighed everything up, I'm satisfied NatWest's offer is an appropriate way to resolve the complaint and I don't think any further investigation into this matter would alter my decision, as the bank accepted responsibility for what happened and apologised.

My final decision

My final decision is National Westminster Bank Plc should pay Mrs M £750 to settle this complaint (less anything it has already paid).

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs M to accept or reject my decision before 18 March 2024.

Sarita Taylor
Ombudsman