

The complaint

Mr W complains of a delay by National Westminster Bank Plc in responding to his Subject Access Request (SAR).

What happened

In August 2023 Mr W made an SAR to NatWest. In it he requested copies of all the information it held about him and his products.

NatWest responded to the SAR, and advised Mr W that it had a backlog and there would be delays. It provided further updates and said that it was still experiencing delays. This was due to a huge increase in demand for SARs. It was also liaising with the Information Commissioner's Office (ICO).

Mr W was not happy and felt that he should be paid £100 compensation for the delay, which NatWest declined to do. He wanted to change his account but felt unable to until NatWest complied with his SAR.

On referral to the Financial Ombudsman Service, our Investigator said that NatWest had acted appropriately in keeping Mr W informed of the delay and in liaising with the ICO. In view of the nature of the information required by Mr W she didn't think that waiting for the SAR should prevent him from changing his account.

Mr W did not agree and the matter has been passed to me for an Ombudsman's consideration.

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.

We don't consider whether NatWest has breached the Data Protection Act, that is a matter for the ICO and I have noted that it has been kept apprised of the delays involved in this case. We can however consider whether NatWest has acted fairly and reasonably.

Mr W made his complaint to this service in November 2023 so I can only consider matters up to the date of the last final response letter ie 24 November 2023.

NatWest has acknowledged Mr W's SAR, and has advised him that it is experiencing delays in providing answers to SARs in light of the huge increase in demand for them. It has kept Mr W informed of its position and I think that is reasonable. I note that his SAR does not relate to a particular complaint but rather asks for all information that is held by NatWest on him in case he needs it in the future. He's also told us that he does not think that NatWest's revised terms and conditions are fair. I don't think, in light of the sort of information he has requested, that the delay in complying with the SAR will affect his ability to change his account.

I've noted moreover that the ICO has been kept apprised of NatWest's position. If it was not

satisfied it would have the power to require NatWest to comply with Mr W's SAR.

For clarity this decision does not affect Mr W's ability to complain about any future delays if he has still not received a response to his SAR.

My final decision

I don't uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 5 April 2024.

Ray Lawley
Ombudsman