

The complaint

Mr A complains that TSB Bank plc sent another person's data with his Data Subject Access Request (DSAR), and they provided him with poor customer service.

What happened

Mr A raised a DSAR with TSB, but when he received the DSAR documentation, he found there were documents relating to another of TSB's customer amongst his documents, which this had an impact on him. Mr A says that he had posted the other person's information to TSB, but they told him they were unable to locate the content Mr A advised them that was there. Mr A felt that they were calling him dishonest. He then emailed TSB photographs he had taken of the documents. Mr A says TSB didn't send him a call he had with them on 18 April 2023, or the call requesting they send him that call. Mr A made a complaint to TSB.

TSB partially upheld Mr A's complaint and they offered him £150 compensation. They said they were not able to locate the content he initially advised was there, but the email he sent with the screenshots helped them to reconcile the notes in amongst the hundreds of pages Mr A sent in, and they were then able to see specifically what he was referring to. TSB said they had no reason to believe any of Mr A's information was sent elsewhere, however it was clear that he received another customer's data notes.

TSB said that they wrongly assumed the call Mr A requested would be included in the new DSAR without checking. They said they have asked the DSAR team to send Mr A all calls from 18 April 2023 up until 9 June 2023, so he has a record of these. Mr A brought his complaint to our service.

Our investigator felt TSB's offer was fair. She said Mr A had spent time returning the documents to TSB via post. She said Mr A felt TSB had insinuated that he was being dishonest when they told him that having examined the information Mr A sent them they didn't find what he had said. Our investigator said that whilst she could appreciate how it must have made Mr A feel, she didn't think TSB were saying he was being dishonest, but more so that given there were hundreds of pages, they were unable to correctly identify the information he was referring to. She said she'd not found any evidence to suggest that any of Mr A's information was sent elsewhere, so she couldn't hold TSB responsible for something that hadn't happened.

Mr A asked for an ombudsman to review his complaint as he didn't feel the compensation TSB offered was sufficient for what happened. He said that after submitting the required documents, he was informed by TSB that the other customer's details could not be located, and he was accused of being dishonest. He said he had taken precautionary measures by photographing the documents, which ultimately led to the admission of a breach. He said he dedicated a day off work to thoroughly review the DSAR, and this caused him considerable stress.

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 A has made a number of points to this service, and I've considered and read everything he's said and sent us. But, in line with this service's role as a quick and informal body I'll be focusing on the crux of his complaint in deciding what's fair and reasonable here.

There's no doubt that TSB have let Mr A down with what happened here, and on more than one occasion. They sent him a DSAR which contained another customer's data. It's not clear how this happened. This would be concerning for Mr A, and it could lead him to believe that if someone else's data had been included in his DSAR, then it's just as feasible that his data could end up in someone else's DSAR. So I can sympathise with the shock he must have had with finding someone else's details amongst his documents. But I haven't found any evidence that his data has been passed from TSB to another customer.

And Mr A did the right thing by making TSB aware of the data breach. TSB asked him to post the information to them, which Mr A took time to do this, only for them not to be able to locate the information Mr A was referring to. This made Mr A feel that TSB were accusing him of being dishonest. While I understand why Mr A would feel this way, especially after he had been trying to do the right thing and notify TSB of a data breach, I'm not persuaded that TSB were saying that he was being dishonest, it's just they couldn't find the information amongst the hundreds of pages Mr A had sent them.

Mr A then sent TSB an email with this information. So I am persuaded that TSB caused Mr A inconvenience by not locating the information he told them about amongst the documentation Mr A posted to them, regardless of whether there were hundreds of pages or not.

It would also appear that TSB let Mr A down when they assumed certain call recordings were going to be included with the DSAR without checking first with the team. While TSB have sought to rectify this, it would have been distressing for Mr A to not receive these when he had requested them.

So I've considered what would be a fair outcome for this complaint. There's no doubt that TSB have caused Mr A distress and inconvenience with their actions. And this has been compounded with further issues such as him facing long hold times on his call on 18 April 2023, having to post TSB information and then email them, and he didn't receive everything he thought he was going to get. Mr A has mentioned the time everything took, and his time off work looking through everything.

But I'm persuaded that the £150 compensation that TSB offered Mr A is fair and it is in line with our awards for what happened here. I've noted the strength of feeling Mr A has about how low the compensation offer is. But I must explain to him that our awards are not designed to punish a business or to make it change the way they act in order to protect other customers in the future. That is the role of the regulator.

We sometimes award compensation if we feel that a business has acted wrongfully and therefore caused distress and inconvenience to their customer over and above that which naturally flows from the event. So I am persuaded that TSB made a fair offer. So it follows I'll be asking TSB to pay Mr A what they offered him.

My final decision

TSB Bank plc has already made an offer to pay £150 to settle the complaint and I think this offer is fair in all the circumstances.

So my decision is that TSB Bank plc should pay Mr A £150 (if they haven't already done so). But I won't be requiring TSB Bank plc to do anything further.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 15 April 2024.

Gregory Sloanes
Ombudsman