

The complaint

Mr G complains about Reliance Bank Ltd sharing his personal information with a Credit Reference Agency.

What happened

Mr G had a bank account with Reliance. This had an overdraft facility and a direct debit set up with Company A. Mr G switched his bank account from Reliance to Bank B.

In a conversation with Bank B when switching his bank account, Mr G was told that the bank uses a set of questions which include information on direct debits and their corresponding amounts, and these questions are supplied by Credit Reference Agency X (CRA X).

As Mr G hasn't had any direct dealings with CRA X, he contacted Reliance to find out how they had information about his direct debit with Company A and he says the representative said Reliance provide CRA X with his personal information *'in full and on a regular basis'*.

Company A said they hadn't passed any of Mr G's personal information to CRA X. So, Mr G thinks that Reliance must've provided his information to CRA X in breach of the Data Protection Act (DPA) and possibly General Data Protection Regulation (GDPR).

Mr G tried to discuss this with Reliance but didn't receive promised calls to discuss this and when he submitted a complaint, he didn't receive a response.

Following contact by our service Reliance responded to his complaint saying:

- They inaccurately commented that all direct debit information is shared with CRA X.
- The information they provide to CRA X is *'Consumer CAIS data'* which excludes direct debits but covers payment history where customers have a credit history with them, and they *'provide summary payment history details for contracts with the Bank, in this case the overdraft arrangement'*.
- The information relating to his direct debit arrangement with Company A must therefore have been sent by another party to CRA X and *'we recommend that you seek clarification from Bank B on the quoted "receipt of direct debit information from a CRA"'*.

Due to their delay in responding, Reliance offered Mr G £25 compensation.

Our investigator considered whether Reliance had passed on Mr G's personal information to CRA X and thought Reliance's explanation and compensation was fair and reasonable.

Mr G remains dissatisfied as he thinks he is being lied to by either Reliance or Company A and wants CRA X to *'reveal which of them provided the direct debit information'*. So, his complaint has been referred to me to look at.

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'm not upholding this complaint and I will explain how I have come to my decision.

I should first explain that there are limits to how we can help as:

- We're neither the regulator of financial services nor a court service, so we don't have powers to demand information or interrogate business systems to determine what data has been passed between businesses and how this has been done.
- The Information Commissioner's Office (ICO) is the body which can investigate breaches of DPA or GDPR and Mr G has the option to ask them to contact them about this issue.
- There are rules (known as DISP Rules) laid down by the Financial Conduct Authority (FCA) which means complaint handling is not a regulated activity. So, specific complaints about Reliance's complaint handling processes, including receipt of mail, can't be considered by our service.

I can understand Mr G's concern and frustration here, as he has reason to believe there has been a data breach. However, having reviewed all the information on file there is no evidence that Reliance has committed a data breach. And, as we can't interrogate systems and Reliance deny that they've provided information to CRA X on Mr G's dealings with Company A, I don't think it was unreasonable of them to signpost Mr G to the other parties here.

Reliance do though accept their representative gave incorrect information when he made enquires. Although I appreciate this led Mr G believing that Reliance is the guilty party here, I note their sincere apology and consider this to be a reasonable response. Also, I think Reliance's £25 compensation offer is fair and reasonable for their delay in responding to your concerns.

So, having considered the above and all the information on file, I'm not upholding this complaint.

My final decision

My final decision is that I'm not upholding this complaint against Reliance Bank Ltd.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 13 April 2024.

Paul Douglas
Ombudsman