

The complaint

Mrs F complains about the service she received from Bank of Scotland plc trading as Halifax.

What happened

The circumstances of this complaint are well known to both parties, so I won't repeat everything in detail. Instead, I will provide a summary and focus on giving the reasons for my decision.

Mrs F hand delivers correspondence to a Halifax branch. But she says Halifax didn't respond to some of her correspondence. So, she complained to Halifax in May 2023.

Halifax provided Mrs F with its responses to her previous correspondence dated 6 May and 3 November 2022. It added that it had no record of receiving a letter dated 23 March 2023, but it paid Mrs F £100 compensation.

Mrs F referred her complaint to our service adding that she was concerned that her personal details may have been compromised as her letter of 23 March 2023 may have gone astray as it not been acknowledged.

One of our investigators looked into it. And following his enquiries, Mrs F provided a copy of her letter from 23 March 2023 showing a Halifax branch stamp. So, he found that Halifax had received the March 2023 letter.

But he thought the £100 compensation payment made by Halifax fairly recognised the inconvenience caused because Mrs F didn't get a reply. He added that he hadn't seen any evidence of a data breach as the letter was received by Halifax as Mrs F intended. But he said that Mrs F could contact the Information Commissioners Office (ICO).

Mrs F didn't agree. In summary she said she hadn't received any evidence that her letter had been destroyed or that the loss of her letter within Halifax had been reported to the data controller. She also referred to Halifax not responding to her complaint within the prescribed timescales, and she said it wasn't clear what the £100 compensation was for.

As agreement wasn't reached Mrs F's complaint has been passed to me to reach a final decision.

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've reached the same overall conclusion for broadly the same reasons as the investigator – although I have provided more explanation. I understand that Mrs F will be disappointed as I can see how strongly she feels about this matter. So, I'll explain why.

I've seen that within its final response letter dated 24 July 2023, Halifax provided Mrs F with a copy of its response (dated 16 November 2022) to her letter of 3 November 2022. It has also provided a copy of its response to this service which I have read. So, I'm satisfied Mrs F's letter of 3 November 2022 was safely received and responded to.

Halifax initially said that it hadn't received Mrs F's letter dated 23 March 2023. But as the investigator found, Halifax did receive the letter and it's not in dispute that a reply was not sent. So, I've thought about the impact of not receiving a response had on Mrs F.

From what I've seen, the letter of 23 March 2023 was a follow up letter to Mrs F's letter dated 3 November 2023 chasing Halifax's response. But, as mentioned above, Halifax had already responded to Mrs F's letter of 3 November 2023 which related to a complaint that has been handled separately by this service. So, while I accept it would have been good customer service for Halifax to respond to 23 March letter, as a response had already been provided to Mrs F's original letter, I'm not persuaded she has lost out because of not receiving a response to the follow up letter. Therefore, like the investigator, I find that the £100 compensation fairly recognises any inconvenience caused.

I do understand why Mrs F is concerned about potential misuse of her personal data as not receiving a response to her letter could mean the letter has gone astray. And I appreciate that she is not satisfied with some of the assumptions she feels the investigator made as to what might have happened to her letter.

But unfortunately, there is no way of knowing for certain what happened to the letter once it was handed in at the branch. If Mrs F had provided evidence that her personal data had been breached, then this service can consider a compensation award for the impact this may have had on her. But I've not seen any evidence to suggest that Mrs F's personal data has been breached and I can't award compensation for something that hasn't happened. If Mrs F still has concerns about how Halifax has handled her personal information, she may be able to contact the ICO which is the body responsible for such matters.

Mrs F has commented on Halifax not complying with complaint handling timeframes. I've seen that Mrs F wrote to Halifax on 18 May 2023 about not receiving a response to her letter of 23 March 2023. And I can see that Halifax's response – sent on 24 July 2023, was sent outside of the normal eight-week timeframe. But I don't find the delay has caused Mrs F any undue inconvenience that would warrant further compensation as she did receive the reply soon afterwards and the delay didn't prevent her from referring the complaint to this service for an independent review.

My final decision

For the reasons given, I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs F to accept or reject my decision before 17 June 2024.

Sandra Greene
Ombudsman