

The complaint

Mr K complains Santander UK Plc did not raise a Data Subject Access Request (DSAR) for him.

What happened

Mr K says that he raised a DSAR with Santander, but they did not raise this for him, despite him trying to get this for several months. He says he has been sent to the branch on several occasions and spoke to Santander on the phone, but he's still been unable to raise a DSAR. Mr K made a complaint to Santander.

Santander did not uphold Mr K's complaint. They said they had not received a request from Mr K for a DSAR, and they gave him a telephone number and an address how he could raise his DSAR. Mr K brought his complaint to our service.

Our investigator upheld Mr K's complaint and suggested Santander pay Mr K £350 compensation. He said he'd found the earliest record on Santander's system notes dated 28 April 2023 that Mr K wanted to raise a DSAR. He said Santander also supplied a call recording from July 2023, and again this demonstrated the difficulties Mr K was experiencing with his DSAR and with the branch service, but the call handler did not offer information about how he could raise or progress his DSAR.

Both parties asked for an ombudsman to review the complaint. Santander said that they followed their process of informing Mr K that he could visit the branch with identification documents to make his DSAR. They said they could not conduct this secured process via telephone as previous notes only provided his date of birth. They said although our investigator mentioned 28 April 2023, they found no records or information of Mr K making this request on their systems, and the first time Mr K contacted them about this complaint was on 2 February 2024.

Mr K wanted £1,200 compensation for what happened. He made a number of points. In summary, he told us the background to a previous complaint he made, he said Santander had ignored his DSAR despite the number of times he put in the requests, and he still hasn't received the DSAR, he said they ordered him to his local branch with identification, but this still wasn't raised.

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.

Both parties have made a number of points to this service, and I've considered and read everything they've 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 the complaint in deciding what's fair and reasonable here.

I must make Mr K aware that I can only look into his complaint point about the DSAR not

being raised as part of this decision, and not what happened with his account closure and access to his funds, as a separate decision about his account closure has already been issued to him previously.

I've considered what Santander have said about the first time Mr K raised this issue with them was in February 2024. But I'm not persuaded by this. There is evidence that Mr K has raised the DSAR on at least three occasions between April 2023 to September 2023. It's possible that Mr K could have raised this even more times, as he's told us about phone calls he's had and branch visits he's made about this, but Santander can't locate any further call recordings than the calls I will go into detail with later in this decision. We asked Santander for testimonies from branch staff, but the branch staff were unable to recall the events.

Looking at Santander's system, the first indication Mr K tried to raise a DSAR was on 28 April 2023 at 17:35pm. That's not to say Mr K might not have raised the request earlier, but this is the first time I can see the request being raised. The system note says "*Customer wishes to make a subject access request. Only dob confirmed as no transactions - All accounts closed. Customer does not want to go into branch.*"

As there is no call recording for me to listen to from this date, it's clear from the note that Mr K wanted to make a DSAR. As his account was closed, it appears that Santander couldn't fully identify him. So it's probable they likely advised him to visit a branch, although the note suggests that Mr K didn't want to visit the branch.

But it's not clear if Mr K was actually required to go to a branch to raise a DSAR. I say this because in Santander's response to Mr K dated 14 February 2024, where it tells him how he can raise a DSAR, there is no mention of him visiting a branch to raise this. So it doesn't appear that Mr K needed to visit a branch to raise a DSAR – unless this letter contained incorrect information.

The letter is clear that he could call their customer service team – which he did. The letter says they would be required to complete additional security by calling him back on his registered number. So unless this is incorrect, it's not clear why Santander didn't do this when the DSAR was requested by Mr K.

But even though the note in April 2023 suggests Mr K didn't want to visit a branch, it's clear that he did visit a branch on 18 July 2023 with his identification. There is a note on their system showing the time of 13:25pm to show that he visited the branch and his passport had been scanned by a member of staff. I've also listened to call recordings which were available from that day where it's clear Mr K wanted to raise a DSAR.

On the 18 July 2023 call at 15:28pm – after his branch visit, Mr K explains he had rang up Santander previously to raise a DSAR but he had to go into the branch to verify himself. The call handler says "*so you've been into branch with your ID haven't you, so you're now just ringing up now because you've been into branch with your passport*". The call handler also says "*I can see you've done that*". She tells Mr K she is going to ring her manager to see if they can process this for him.

Although the call handler tried to ring a manager, the call was disconnected. This inconvenienced Mr K as he needed to ring Santander back. Mr K then needed to explain the situation to the new call handler about the DSAR. Mr K tells the call handler the branch refused to contact the telephone department to raise the DSAR. The call handler admits that this "*is probably something they should have done*".

Mr K tells the call handler the branch took his driving licence which shows his address. The call handler again says it should have been done in branch. She tells Mr K she would log a

complaint for him, and she'd arrange a call back for him to get the data access sorted. She told Mr K someone would contact him within the next 2-3 working days, and she confirmed the best telephone number for him.

After listening to these calls, it's clear that Mr K had been into the branch and provided identification in order for him to raise the DSAR. It's not clear why the branch refused to raise his request. It could be that their branch systems didn't allow them to, but I'm not persuaded that this would prevent them ringing the relevant team when Mr K was in the branch. Even if they had staffing issues that day, they could have allowed Mr K to use one of their in branch telephones to speak to the relevant department.

There's no evidence that the complaint was raised by the call handler on 18 July 2023 as she told Mr K she would type up the notes and raise his complaint. The evidence would suggest this didn't happen since Santander said the first time Mr K notified them of the DSAR was in February 2024. I've seen no evidence that Mr K was given a call back as promised.

So this would have been very distressing for Mr K. It does seem that he was passed around departments without being able to raise a simple DSAR. Mr K has also provided evidence of an email he sent to Santander dated 12 September 2023 at 13:02pm – which this email was acknowledged with a generic standard reply from Santander. The email he sent them again mentions his previous DSAR complaint (this should have been raised as promised on the 18 July 2023 second call), and it was clear he wanted a DSAR raised.

Mr K has told us he's still not received a DSAR. Mr K may wish to follow the instructions in the letter he was sent in February 2024 to raise the DSAR. He should refer to this letter when he makes his request by phone or post, as this is what he's been told to do.

If the details of this letter are incorrect, and Mr K faces further barriers in obtaining the DSAR, then he may be able to make a separate complaint to Santander about any new experiences he's had trying to obtain this. If he is unhappy with their response, then he may be able to bring any new complaint to our service. So Santander may want to actively raise the DSAR for Mr K to avoid this from happening, considering they verified his identification on 18 July 2023.

I won't specifically ask Santander to raise the DSAR in case they have doubts about Mr K's address, as I know this has been an issue previously, so I don't want to risk the DSAR going to the wrong address, therefore Mr K may wish to raise the DSAR in line with the February 2024 instructions. If Mr K calls Santander, he should make a note of the date and time that he calls and the name of the call handler, due to Santander not being able to locate other call recordings Mr K's had with them. If he chooses to write to them, he may wish to send this by recorded delivery so he would be able to see that it is delivered to Santander.

So I've considered what would be a fair outcome for this complaint. It's clear Mr K did all that he needed to do to raise the DSAR by 18 July 2023 if he did need to provide extra identification when he visited the branch. He's tried to raise this on at least three occasions, but in reality, it does appear that he's tried to raise a DSAR more than these three times.

Mr K wants £1,200 compensation for what happened here. But I must explain to Mr K that our awards are not designed to punish a business or to make them 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.

Our investigator suggested £350 compensation. I'm satisfied that this is proportionate for what happened with Mr K repeatedly trying to raise a DSAR without anybody being able to raise one for him, over a period of several months, as this has caused him distress and inconvenience. So it follows Santander should put things right for Mr K.

Putting things right

Our investigator has suggested that Santander pay Mr K £350 for distress and inconvenience, which I think is reasonable in the circumstances.

My final decision

I uphold this complaint. Santander UK Plc should pay Mr K £350 for distress and inconvenience.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr K to accept or reject my decision before 26 July 2024.

Gregory Sloanes
Ombudsman