

The complaint

Mr C complains that Capital One (Europe) plc provided him with poor customer service, and they gave him incorrect information.

What happened

Mr C says that he was unhappy with some information about the Capital One credit card that he was about to apply for, so he contacted them to ask them for certain clarifications. He says he spoke with a call handler, and a manager who insisted that for any specific information he required he needed to hold an account with them. Mr C says he asked to complain, but the manager refused to take any notes for the complaint, and he refused to give him the email address for Mr C to send his complaint to.

Mr C says when he asked for the telephone recording, the manager refused his request, and gave him incorrect information about Data Subject Access Requests (DSAR's). Mr C had to find the complaints email himself online, and Mr C made a complaint to Capital One.

Capital One did not uphold Mr C's complaint. They said they had confirmed with their Specialist team, and they confirmed that the call handler provided correct information. They said only a customer, or their authorised representative can make a complaint, and as Mr C was not a customer, then they weren't required to provide a response or give him the right to escalate the matter further. Capital One said that only customers have a right to request recordings or the data they hold on them as part of a DSAR request. Mr C brought his complaint to our service.

Capital One offered to resolve Mr C's complaint once it was brought to our service and they offered him £100 compensation, which Mr C rejected. Capital One told our service that they shouldn't have refused Mr C the right to make a complaint or receive copies of the call recordings. They said they have now arranged for these to be sent out to Mr C and he would receive them within 30 days.

Our investigator said she felt the £100 offer of compensation was fair. She said whilst the wrong information clearly had an impact on Mr C, he has since been able to make a complaint and he's been provided with the call recordings.

Mr C asked for an ombudsman to review his complaint. He made a number of points. In summary, he said he didn't believe the compensation offered was aligned to the awards shown on our website for what happened here, based on Capital One making large mistakes, and this lasting months before it was resolved. He said Capital One should write him a letter of apology.

As my findings differed in some respects from our investigator's, I issued a provisional decision to give both parties the opportunity to consider things further. This is set out below:

"I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint."

Mr C 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.

Capital One have now admitted that they should have raised Mr C's complaint request and they should have sent him the call recordings. Mr C was caused distress with the poor service he was provided when Capital One did not raise the request for him. Mr C was further inconvenienced by having to find Capital One's contact details as a result of Capital One not raising his complaint.

When Mr C rang Capital One, he expressed dissatisfaction in Capital One's procedures about asking for his application number and his personal details. The call handler said she would transfer Mr C to the relevant department to speak to someone about this, but the line was disconnected.

It's not clear why the line was disconnected but considering that Mr C wanted to speak to somebody else at Capital One, I would find it unlikely that he disconnected the call. It's likely that there was an error on Capital One's part when transferring the call to the relevant department.

As the line was disconnected, this would have distressed Mr C. And when he didn't receive a call back, he was further inconvenienced to have to ring Capital One back. When he spoke to the call handler, he needed to be transferred again.

Mr C was then transferred to one of the managers of the Capital One complaints team. The call handler told Mr C incorrect information about being able to raise a complaint for him. Mr C asks if the call is recorded, which the call handler confirms it was. Mr C wanted a copy of the call, but the call handler was unsure how this could be processed, so he put Mr C on hold to see how they could sort this out for him.

When the call handler returned, he gave Mr C incorrect information about him not having the right to the call. Mr C asks if Capital One has an email address for their complaints team. But the call handler says that due to Mr C not being an account holder, he couldn't give that to him. Mr C then managed to locate the email address, and he emailed his complaint, including asking for the call recordings.

Although Capital One had given Mr C wrong information on multiple occasions during his calls, they had a chance to put this right for Mr C when they responded to Mr C's complaint only a few days after he raised his complaint. But instead of Capital One giving Mr C the correct information and raising the DSAR for him to get his call recordings, and despite them checking with their Specialist team, who should have known the correct information, they told him incorrect information again.

This would have further distressed Mr C by being told incorrect information repeatedly, especially as he knew he was entitled to the call recordings, and he knew that as a potential customer of Capital One that he could have a complaint escalated to our service.

It was only after Mr C involved our service that he managed to get a copy of the call recordings, which he would need to wait up to 30 days for. If this would have been processed when Mr C initially asked Capital One for these, then he wouldn't have had to wait for months for these calls, as he should have received them by the end of October 2023 at the latest. But it was in February 2024 that the call recording request was raised for him.

So I'm not persuaded that the £100 Capital One offered Mr C is proportionate for what happened here. I say this as Capital One giving Mr C incorrect information was not an

isolated incident. He was given incorrect information several times, and he was inconvenienced by having to ring back Capital One when the phone line was disconnected on the original call when he wanted further information from Capital One.

Mr C was further inconvenienced by having to locate the email address to contact Capital One, and send an email to them, as opposed to the complaint manager not raising Mr C's complaint on the call. And then Mr C was distressed by the incorrect information in Capital One's final response, where it referred to rules set by our service which weren't accurate as a potential customer could bring a complaint to our service.

I'm persuaded that £200 compensation is proportionate for what happened here on the basis Mr C had to wait a lot longer than he should have done to receive the call recordings and based on him being told incorrect information on multiple occasions. I find Mr C's request for a letter of an apology to be a reasonable request as Capital One have not directly apologised to him about the incorrect information. So I intend to ask Capital One to put things right for Mr C."

I invited both parties to let me have any further submissions before I reached a final decision. Both parties accepted the provisional 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.

As neither party have provided me with any further information to consider, then my decision and reasoning remains the same as in my provisional decision.

Putting things right

In my provisional decision I said I intend to uphold this complaint. I said I intend to ask Capital One (Europe) plc to pay Mr C a total of £200 compensation for distress and inconvenience, and for them to write to Mr C with a letter of apology for the incorrect information they told him. I'm still satisfied this is a fair outcome for the reasons given previously.

My final decision

I uphold this complaint. Capital One (Europe) plc should pay Mr C a total of £200 compensation for distress and inconvenience, and they should write to Mr C with a letter of apology for the incorrect information they told him.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 2 August 2024.

Gregory Sloanes
Ombudsman