

The complaint

Mr M complains that HSBC UK Bank Plc failed to comply with a Data Subject Access Request (DSAR).

What happened

Mr M says he made a DSAR following an allegation well known to the parties. He says HSBC did not send him the required information and the information he did receive, was heavily redacted. Mr M says HSBC has breached data protection rules and the Information Commissioner's Office (ICO) rules. He would like full disclosure of all the information HSBC holds including details of the person involved in the original issue.

HSBC says Mr M doesn't have the right to receive internal information and that it has complied with its obligations.

Mr M says the ICO concluded HSBC had complied with its obligations and has provided a letter from it.

Mr M brought his complaint to us, and our investigator didn't uphold it. The investigator thought the ICO had concluded that HSBC had complied with its duties and so our role would be to consider if it acted fairly as well as reasonably. The investigator thought HSBC had provided information to Mr M in a timely manner.

Mr M doesn't accept that view and says HSBC has failed to comply with an Act of Parliament.

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 have come to the overall view that I don't uphold this complaint.

I hope it will assist Mr M if I explain our role. We are not HSBC's regulator and it's for the ICO or a court to decide if a business has breached data protection rules. I can see that the ICO has decided that HSBC had complied with its obligations and had provided Mr M with the appropriate information.

Our role in these circumstances is to decide if HSBC has acted fairly and reasonably but it is not to decide if HSBC, for example, breached its data protection requirements or obligations. I can see HSBC responded to Mr M's request within a reasonable time period and provided him with such information it considered it could. So, I am satisfied that HSBC did act reasonably and fairly. I appreciate Mr M would like to have seen other HSBC records but that is not something I can comment on or direct.

Overall, I am satisfied Mr M has received the ICO decision on the main parts of his complaint and that HSBC acted fairly in respect of the matters we can consider. This now brings an end to what we in trying to resolve this complaint informally can do.

My final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 1 October 2024.

David Singh
Ombudsman