

The complaint

Ms B complains about the service she received from Tesco Personal Finance PLC (“Tesco”) when requesting a Data Subject Access Request (DSAR). In particular she is unhappy Tesco provided this in CD format and believes she was made out to be a racist and forced to accept £15 in compensation.

What happened

Ms B requested transcripts of the call recordings she’d had with Tesco in relation to interactions she’d had regarding her banking with it on 14 February 2024. Tesco’s practise was to provide this by protected email but as Ms B advised she wasn’t happy to receive the information by email and Tesco wasn’t able to offer written transcripts of the calls it sent Ms B a CD as it was the only option it had to provide the information requested by post. Tesco duly issued this within the ICO timescales to Ms B by post on 4 March and this was signed for on 6 March.

Ms B was unhappy with this as she didn’t have the means to play these. Ms B called Tesco about this on 28 March and requested a full DSAR. Ms B was unhappy about the service she received from Tesco’s agent during this call, in particular she felt she was being prevented from speaking to a manager, the agent couldn’t speak English and wasn’t answering her questions and the amount of time the call took. Ms B raised a complaint.

Tesco agreed Ms B had been incorrectly advised that the request it had received only detailed call recordings but beyond this wasn’t able to identify any concerns in the service its agent provided. Tesco compensated Ms B £15 for the incorrect information she was given on the call.

Ms B was dissatisfied with this and brought her complaint to this service. She says the service she received during the call was poor and she was made to feel like a racist.

One of our investigators looked into Ms B’s concerns but they didn’t think Tesco had done anything wrong in providing the information Ms B requested in CD format as she’d asked for it not to be sent by email and Tesco didn’t have the ability to offer written transcripts of the calls.

After failing initially to provide this service with the call recording from 28 March 2024 Tesco did so. Our investigator listened to this and thought it was clear that Ms B was frustrated from the start of the conversation and confrontational during the call and interrupted the agent on numerous occasions. They didn’t agree the Tesco agent was unprofessional or rude but rather handled the call well and was friendly throughout.

Overall, they thought the £15 Tesco had already awarded Ms B was fair for the delay in the DSAR request being actioned and didn’t think Tesco needed to do anything more.

Ms B disagreed and has asked for an ombudsman’s 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.

I hope that Ms B won't take it as a discourtesy that I've condensed her complaint in the way that I have. Ours is an informal dispute resolution service, and I've concentrated on what I consider to be the crux of the complaint. Our rules allow me to do that.

It might help if I explain here my role is to look at the problems Ms B has experienced and see if Tesco has done anything wrong or treated her unfairly. If it has, I would seek – if possible - to put Ms B back in the position she would've been in if the mistakes hadn't happened. And I may award compensation that I think is fair and reasonable.

It is not our role to say how business should operate or provide services including the provision of data – that is one for the regulator in this case the ICO.

That said I don't think it unreasonable for Tesco to provide a CD of the recordings requested when Ms B asked that it wasn't sent by email. Tesco's usual practice was to send by email, it wasn't able to transcribe the recording and so sent it by post as per Ms request. So I don't think Tesco treated her unfairly here. I appreciate this was not in a format Ms B wanted but I don't think it would be fair to penalise Tesco for not offering a service it doesn't have.

I'm also in agreement with our investigator that after listening to the call recording between Ms B and the Tesco agent that they handled the call in a professional and friendly way despite I think Ms B making this difficult by being confrontational from the start, interrupting the agent and refusing to accept the answers to her questions or let the agent assist her. Furthermore, although I appreciate Ms B was feeling frustrated and upset, this is what I think contributed to the length of the call.

I accept the agent made a minor error in that they incorrectly advised only call recordings had been requested, but as Tesco has already apologised for that and compensated £15 I don't think there is anything more Tesco needs to do. Ms B hasn't suffered any financial detriment due to this error and I'm not persuaded an uplift on this is warranted.

Finally, I don't think Tesco treated Ms B unfairly or was unreasonable when it clarified with Ms B that all its agents spoke English and asked her to refrain from making assumptions regarding its agents in the future. As I'm sure Ms B understands Tesco has a duty to safeguard its employees from potential harmful behaviour.

And so it follows I don't think there is anything more for Tesco to do here and I don't uphold this complaint.

My final decision

For the reasons I've explained, I think that Tesco Personal Finance PLC has done enough to settle Ms B's complaint and I'm not going to ask it do anything more.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms B to accept or reject my decision before 20 December 2024.

Caroline Davies
Ombudsman