

The complaint

Miss P complains that Santander UK Plc didn't respond to her Subject Access Request (SAR) in a timely way.

What happened

Miss P says that Santander took a year to respond to her SAR and during that time it kept transferred her debt to other organisations. She says this caused her a lot of stress and she was harassed by the debt collecting companies. She wants Santander to write off her debt because of its infringement of its data protection obligations.

Santander issued a final response letter dated 13 July 2023. It noted the contact it had received from the Information Commissioner's Office regarding Miss P's complaint. It said that on 6 June 2022, it received Miss P's letter dated 28 May 2022 making a SAR. The letter was unsigned, and Miss P was sent a SAR information sheet to complete and return. This was received back on 1 July 2022. A mistake was then made and Miss P's SAR was closed and her request was not actioned. On 17 October 2022, Santander received Miss P's letter about the failure to respond to the SAR but this was again unsigned and so Miss P was contacted, and a signed letter was received on 28 November 2022. However, Miss P's request was again closed without a response being provided. Miss P chased her SAR in March 2023, and a response was provided on 12 May 2023. Because of the poor service it provided, Santander said Miss P would be sent a cheque for £250.

Miss P wasn't satisfied with Santander's response and referred her complaint to this service.

Our investigator noted that Santander had paid Miss P £250 compensation for the delays with her SAR, and she thought this was a reasonable resolution to this complaint.

Miss P didn't agree with our investigator's view. She provided further background of her relationship with Santander and why she felt her debt should be written off.

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 can understand why Miss P is upset by the service she received from Santander. She made a SAR dated 28 May 2022 and although she sent in the signed form as requested on 1 July 2022, her request was closed without a response. Miss P contacted Santander again in October 2022 about not receiving a response to her SAR and again sent the signed letter as requested by Santander which it confirmed was received on 28 November 2022. However, for a second time her request was closed without a response being provided. It wasn't until March 2023 when Miss P chased Santander again that her request was actioned and it wasn't until May 2023, a year after her initial SAR, that Miss P received a response. This isn't the service that Miss P should have received.

Our role isn't to decide whether a business has breached data protection rules, that is for the

Information Commissioner's Office (ICO) to decide. Miss P received a response from the ICO saying it believed Santander had infringed its data protection obligations as it hadn't provided a timely response to Miss P's SAR. This service has the power to award compensation to consumers who've suffered financial loss or have been caused distress and inconvenience by the way a financial business has handled their personal information.

Miss P has explained that she made the SAR at a time when she felt harassed by third parties in regard to her debt. She has explained that she experienced stress and sleepless nights as a result of this issue. I can understand that this was a stressful time for Miss P and the delays in receiving a response to her SAR will have added to this stress as well as causing her inconvenience as she had to chase for a response on several occasions. I have noted Miss P's comments about why she feels her debt should be written off but, in this case, I do not find that this is required. Instead I find that Santander should pay Miss P compensation for the stress and inconvenience she was caused by it failing to action her SAR on two occasions and the delay in providing the requested information.

Santander noted in its letter dated 13 July 2023, that it would arrange for a £250 cheque to be sent to Miss P as compensation for the poor service provided. I have considered this and as I have nothing to show that the delay caused Miss P any financial loss, I find this a reasonable resolution for the stress and inconvenience the issues caused. Because of this I find that Santander isn't required to do anything further in response to this complaint.

My final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss P to accept or reject my decision before 5 February 2024.

Jane Archer
Ombudsman