

## The complaint

Mr and Mrs N complain Bank of Scotland plc trading as Halifax didn't process their Data Subject Access Request (DSAR) properly.

## What happened

I issued a provisional decision setting out what'd happened, and what I thought about that. I've copied the relevant elements of that provisional decision below, and they form part of this final decision.

*Mr and Mrs N contacted Halifax in January 2022 asking for a DSAR to be completed on a personal loan ending 509-5 as they wanted a copy of the credit agreement – and a statement of the account.*

*Halifax wrote to Mr and Mrs N to say they couldn't identify a loan account with the details they'd provided.*

*Mr and Mrs N wrote back, providing a copy of the credit agreement from an earlier request – reiterating their request for a statement of the account.*

*Halifax ultimately wrote back having now found the details. They explained loan 509-5 became 127-0 once a payment protection insurance claim had been processed – as the previous loan had to be settled, and a new one opened. They said sorry for not finding Mr and Mrs N's credit agreement the first time and said this was on an old system. Halifax also provided £100 compensation.*

*Unhappy with this, Mr and Mrs N brought their complaint to us, saying their loan never existed so they should be refunded the loan amount of £10,000.*

*In a separate decision, I dismissed that complaint as we'd previously considered it. In this decision, I've considered their concerns regarding the DSAR.*

## What I've provisionally 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 think it's important to emphasise I'm only going to be considering Mr and Mrs N's concerns about the delay in providing the credit agreement and statement of loan accounts. I say that because they've linked this issue to a reason why they should be refunded the £10,000 loan granted under 509-5. But, as I've set out above, I've already decided we shouldn't consider that issue further.*

*Halifax have explained the reason for the error was because some of the loan information was contained in a system they haven't used since 2004. They said despite this, the loan processing team could have done more to find the loans.*

*It's helpful that Halifax have explained what the issue was – and I agree Halifax's loan processing team could have done more.*

*So, as Halifax accepts they've made an error, I now need to consider the impact of this error on Mr and Mrs N.*

*The only real impact on Mr and Mrs N, as far as I can see, is they believed this meant their loan should be refunded because it never existed. But this is a loan Mr and Mrs N have complained about on several occasions before – and in an outcome we issued in 2016 we said they'd received the proceeds from the loan, and had been repaying it. So, we didn't think they should be refunded any of the funds.*

*Given that, I think the impact is relatively limited in nature – as it seems they needed to contact Halifax to provide more information so the credit agreement and loan statements could be found. And, having done so, the documents were then provided without delay.*

*In the circumstances, I'm currently satisfied Halifax's payment of £100 is fair to resolve this complaint.*

### **Responses to my provisional decision**

Halifax queried why I said I was upholding the complaint, when I'd decided what they'd done was fair.

Mr and Mrs N provided more documents, including amongst others:

- A secured loan agreement for £30,000
- Another secured loan agreement for £23,000
- Further documents regarding their personal loan ending 509-5

### **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've considered the information provided by Mr and Mrs N and I can't see any of it relates to this specific complaint.

In respect of the two secured loans, we've explained these issues will be handled separately. So, if Mr and Mrs N were providing them for that purpose, then I thank them and will ensure they're passed on.

For the personal loan ending 509-5 I have explained in a separate decision why I don't think our service needs to consider that complaint – and nothing Mr and Mrs N have provided now makes me think this was the wrong outcome.

Turning back now to this specific case, as Mr and Mrs N haven't provided any further information, I remain of the opinion the outcome Halifax reached by paying Mr and Mrs N £100 is fair – and have now corrected this in my final decision outcome.

### **My final decision**

Bank of Scotland plc trading as Halifax have already paid fair compensation of £100 to resolve matters, so I don't require them to do anything further.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr N and Mrs N to accept or reject my decision before 3 January 2024.

Jon Pearce  
**Ombudsman**