

The complaint

K complains that HSBC UK Bank Plc didn't notify it of their intention to start charging it for the use of its bank account.

K is represented by its treasurer, Mr U.

What happened

In September 2021, Mr U read an article about HSBC's intention to charge Charity and Sports Associated accounts a monthly fee and additional transaction charges from 1 November 2021. Mr U contacted HSBC as K hadn't been made aware of these changes.

Mr U spoke to HSBC on 24 September 2021. HSBC explained that an email had been sent to K advising it of the impending changes. Mr U asked which email address had been used. HSBC provided the email address, but Mr U said it was no longer connected to the account.

Mr U asked if a change of email address could be taken over the phone. HSBC's representative explained he couldn't do it, but he could transfer the call to the business banking team who could do it. Mr U declined as it had already taken him forty minutes to speak to someone and he didn't want to spend any longer on the call.

Later that day, Mr U complained to HSBC as K hadn't been notified of their intention to introduce charges on the account. HSBC responded to the complaint confirming that they had updated the email address and they paid £30 compensation to K as an apology for the delays Mr U experienced on the call he made to them in September 2021.

Mr U was unhappy with this response and sent a follow up letter asking HSBC to provide the notification of their intention to start charging K for use of its account with them. Mr U also asked for assurance that his personal mobile number and email address would not be used again without his permission. HSBC acknowledged this letter in December 2021 and responded on 7 January 2022, however K never received that letter.

Mr U brought K's complaint to our service and one of our investigator's looked into the matter. Our investigator said that he was satisfied that HSBC had contacted K about the account changes and were not responsible for the email address not being updated on the account. He said the charges had been correctly applied to the account and that £30 was fair compensation for the delays Mr U experienced during his phone call to HSBC.

Mr U asked for an ombudsman to reconsider the complaint and would like HSBC to do the following in order to resolve the matter:

- Provide the correct notification by post with a new start date for charging to commence.
- Refund all charges paid by K to date.
- Confirm that HSBC have annotated their records so that Mr U's email address or

personal mobile number will not be used to contact him without permission.

- Pay personal compensation to Mr U for having to chase HSBC for information and for the misuse of his personal information.

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.

If I don't mention every single point that's been raised by K, it's not because I haven't thought about it. I have considered everything that's been said and sent to us. I'm going to concentrate however on what I consider is key to reaching a fair and reasonable outcome.

Having considered all the evidence, I don't think HSBC have done anything substantially wrong here. I've explained why below.

Provide the correct notification by post with a new start date for charging to commence

In August 2021, HSBC contacted K, using the email address they held on file for it, to inform it of their intention to start charging for the use of its account. It was established during the call on 24 September 2021, that the email address HSBC held on file was no longer current. HSBC's representative explained that he couldn't change it, but he could transfer the call to the business banking team who could. Mr U declined this offer.

Our investigator said it was the responsibility of K to keep its email address updated and I agree with this. HSBC cannot be held responsible for an organisation not keeping their details updated. However, Mr U has since provided a letter from 2017 to show that K had updated the address on its account when the treasurer changed to Mr U.

Whilst I agree that K asked for their information to be updated, this was only in relation to the postal address. There was no request for a change of preferences or for any email addresses or telephone numbers to be removed or updated. I've also seen evidence that HSBC wrote to K in late 2018, when mandate changes were being made, reminding it to update all details including email addresses as these wouldn't automatically happen when the mandate was changed.

As such, I don't think HSBC have done anything wrong here. They provided the relevant notice to K about the changes to the account in August 2021 and it was not their fault that K didn't receive it.

In addition, Mr U was aware of these impending changes due to articles he had read in the media. The changes were also confirmed in the call between himself and HSBC in September 2021 during which HSBC's representative offered to talk Mr U through the changes which he declined. In addition, the representative offered to provide Mr U with a link to a webpage detailing these changes. This was not a link to internet banking as Mr U has since suggested.

I've covered off the use of Mr U's personal mobile number further down in my decision but regardless of this, Mr U also received a text message about the changes and there was a link to the web page included. It appears that this was the same link offered to Mr U during his call with HSBC. For clarity, the link provided in the text message still works and the information that was sent to K by email is available here:

<https://www.business.hsbc.uk/charitablesupport>.

So, I think K was aware that the changes were due to take place from the 1 November and I've seen that HSBC provided several different opportunities for Mr U to review this information which Mr U didn't opt to accept.

Refund all charges paid by K to date

As I've detailed above, HSBC made K aware of the charges in advance of them taking effect. From what I've seen the charges were correctly applied, so I won't be asking HSBC to refund any charges already applied to the account.

Confirm that HSBC have annotated their records so that Mr U's email address or personal mobile number will not be used to contact him without permission

HSBC have provided evidence to show these changes have been made to the account. They have also updated the correspondence preferences on the account to ensure any future correspondence is sent by post.

Pay personal compensation to Mr U for having to chase HSBC for information and for the misuse of his personal information

If Mr U thinks that his information has been misused by HSBC, it would be for Mr U to pursue that matter with the Information Commissioner's Office should he so wish.

HSBC has already paid £30 to K to compensate it for the time Mr U spent on hold during the call in September 2021 and this seems fair to me in the circumstances.

My final decision

My decision is that I don't uphold this complaint for the reasons I've explained above.

Under the rules of the Financial Ombudsman Service, I'm required to ask K to accept or reject my decision before 5 October 2023.

Tara Richardson
Ombudsman