

The complaint

Mr S is unhappy that The Co-operative Bank Plc, trading as Britannia, sent this service information about a complaint that he hadn't referred to us.

What happened

In December 2022, Mr S asked Co-op to raise a formal complaint on his behalf as he was unhappy with how they'd handled a Data Subject Access Request ("DSAR") that he'd made. However, Co-op treated Mr S's request as an informal enquiry, rather than a formal complaint. Mr S wasn't happy about this and felt that Co-op weren't abiding by guidelines issued by the Financial Conduct Authority ("FCA") regarding the handling of complaints.

Mr S contacted Co-op about this, at which time they began to treat the matter as a formal complaint. Mr S received a complaint response letter from Co-op which advised him of his right to refer his complaint to this service. Mr S didn't refer his complaint to this service, but Co-op sent a copy of the complaint response letter to us. Mr S wasn't happy about this, so he raised a further complaint about it with Co-op.

Co-op responded to Mr S and confirmed that they'd contacted this service and requested that the complaint response letter in question be removed from our records. Mr S wasn't satisfied with Co-op's response, so he referred his complaint to this service.

One of our investigators looked at this complaint. But while they acknowledged that Co-op had made a mistake by sending the letter to us, they didn't feel that this mistake had led to any adverse impact for Mr S and so didn't feel that any further action from Co-op – such as a payment of compensation – was required. Mr S remained dissatisfied, so the matter was escalated to an ombudsman for a final 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.

Having done so, I'd like to begin by confirming that this service isn't a regulatory body or a Court of Law and doesn't operate as such. Instead, this service is an informal, impartial dispute resolution service. And while we do take relevant law and regulation into account when arriving at our decisions, our remit is focussed on determining whether we feel a fair or unfair outcome has occurred – from an impartial perspective, after taking all the factors and circumstances of a complaint into consideration.

In instances where information is sent incorrectly, it can often be difficult to assess whether the incorrect sending of that information has had an adverse impact on the complaint party. But that isn't the case here, because in this instance the recipient of the incorrect information is this service. And as such, I feel that I can declare that the receipt of the information by us hasn't had an adverse impact on Mr S.

Mr S is concerned the receipt of the letter may have influenced a decision that was made by

this service on another complaint with Co-op that he'd referred to us and which was being considered by us at that time. But I can reassure Mr S that this wasn't the case, and that this service acts only on information that is relevant to the specific complaint being considered.

This means that what happened here is that this service received a complaint response letter from Co-op which wasn't relevant to us, and which Co-op later contacted us about and asked us to remove from our records. And I'm satisfied that any potentially sensitive information that might have been contained within that letter hasn't fallen into potentially unscrupulous hands, again because the letter was received by this service.

Accordingly, I'm satisfied that there has been no adverse impact to Mr S here. And I don't feel that Co-op should fairly be asked to compensate Mr S for what I consider to be a minor error which hasn't led to any detriment for Mr S.

I'm aware that Mr S feels that there has been an impact of these events on him, including the time and effort he's to expend surrounding this matter and the worry it's caused him. But as explained, Mr S has referred complaints to this service previously, and so I'm not convinced that any fear Mr S may have about this service receiving the letter is reasonable. And while Mr S did have to ask Co-op to ask us to remove the letter from our records, I don't feel that Mr S making that request merits any further action from Co-op here, beyond their making that request as they did.

Furthermore, this service doesn't consider awarding compensation to complainants because they felt it necessary to raise a complaint or for the time and effort that they expended in doing so. This is because, if that were the case, we'd likely award compensation for every complaint that's received by us – which clearly wouldn't be fair or reasonable.

Mr S also feels that Co-op have breached data-protection regulations by sending the letter to us without his consent. However, as explained above, this service isn't a regulatory body. This means it isn't for me to say whether Co-op have or haven't complied with data-protection regulations. That would be for the relevant regulatory body – in this instance the Information Commissioner's Office ("ICO") – to decide. As such, I can only encourage Mr S to refer this aspect of his complaint to the ICO should he wish to pursue it further.

Mr S is also unhappy that Co-op didn't treat his complaint as a complaint in the first instance. But this isn't a matter that it's within my remit to comment on. This is because, as per the rules by which this service must abide – which can be found in the Dispute Resolution ("DISP") section of the FCA Handbook – this service is only able to consider complaints about specified activities, of which complaint handling isn't one. In short, this service is unable to consider a complaint about how a business has handled a complaint.

What this service can consider is whether an unfair outcome has arisen and, if so, whether any further action is fairly required from the business being complained about. And, as explained above, while I accept that Co-op shouldn't have sent the letter to us, I'm satisfied that there's been no adverse impact on Mr S and that no further action from Co-op – beyond that which they've already taken – is fairly or reasonably required of them.

I realise this won't be the outcome Mr S was wanting, but it follows that I won't be upholding this complaint or instructing Co-op to take any further action. I trust that Mr S will understand, given all that I've explained above, why I've made the final decision that I have.

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 Mr S to accept or reject my decision before 26 October 2023.

Paul Cooper
Ombudsman