

The complaint

Mr B is unhappy with the service he received from HSBC UK Bank Plc.

What happened

Mr B had accounts with HSBC but closed them in March 2022. On Thursday 18 May 2023, Mr B received an email from HSBC thanking him for talking with them recently. Mr B hadn't spoken with HSBC and was concerned about the email he'd received, so he sent an email to HSBC asking what had happened and why he'd received the email from them that he had.

HSBC responded to Mr B the next day, on Friday 19 May 2023, to confirm that they were investigating the issue. And on the next working day, Monday 22 May, HSBC explained to Mr B that the email had genuinely been sent by them but had been sent in error, for which HSBC apologised. Mr B wasn't satisfied with HSBC's response, so he raised a complaint.

HSBC responded to Mr B's complaint on Thursday 25 May and confirmed that an update to their email system had caused some emails that had been sent to account holders previously to be resent, which had resulted in Mr B unfortunately receiving the email he had. HSBC again apologised to Mr B for what had happened and confirmed to him that his data with them remained secure. Mr B remained unhappy and felt that HSBC should compensate him financially for what happened, so he referred his complaint to this service.

One of our investigators looked at this complaint. But they felt the explanation and apology HSBC had provided Mr B already represented a fair outcome to what had happened. Mr B 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.

It's not in dispute that HSBC sent an email to Mr B by mistake. Mr B has explained that because he received the email from HSBC, he was concerned that some form of fraud might be in the process of being attempted against him. And Mr B has further explained that because of these concerns, he took time off work and called all the banks he had accounts with to ensure that those accounts were secure.

Mr B would like HSBC to compensate him financial for the time and effort he had to expend in contacting his banks. But I'm not convinced that it's reasonable to expect HSBC to pay compensation to Mr B for what happened here as he would like.

One reason I say this is because there appears to have been very little risk to Mr B surrounding the email he received. This is because Mr B didn't hold an account with HSBC at the time he received the email, and so there was no account that he held with HSBC which could have been under threat.

Additionally, when Mr B brought his concerns to HSBC, they responded quickly and provided an explanation of what had happened to Mr B within a few working days. And this explanation confirmed that the email had been sent by HSBC – and so was a genuine email and not a part of any potential fraud attempt from an unknown third party – and that the email had been sent by mistake.

HSBC also explained exactly what had happened which had caused the email to be sent by mistake to Mr B. And they further confirmed to him that his data with them remained secure.

So, while I can appreciate Mr B's concerns at receiving the email from HSBC, I don't feel that his receiving this email should reasonably be considered as necessitating the action that Mr B took when taking time off work to call the banks that he did hold accounts with.

This isn't to say that it wasn't Mr B's prerogative to take the action that he did following the receipt of the email from HSBC. But it is to say that I don't feel that HSBC should fairly or reasonably be expected to compensate Mr B for the time and effort he chose to expend in this regard. Rather, I feel that the actions that Mr B took were his choice, and I feel that the apology and explanation that HSBC provided to Mr B in a timely manner already provides a fair outcome to what took place.

All of which means that I feel that HSBC have already fairly resolved this complaint by the actions they've already taken. And it follows from this that I won't be upholding this complaint or instructing HSBC to do anything more.

I realise this might not be the outcome Mr B was wanting. But I hope that he'll understand, given what I've explained, 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 B to accept or reject my decision before 15 December 2023.

Paul Cooper
Ombudsman