

The complaint

Ms L makes a number of complaints about Santander UK Plc.

What happened

Ms L makes a series of complains about Santander following accounts she opened for her children. Her complaints are well known to the parties and are in summary that Santander refused to keep the accounts open after requesting unnecessary as well as illegal information about their immigration status. Ms L says Santander had no right to request that information and says the actions were discriminatory. She questions if the request is applied to all customers and asks Santander to provide details of the law that allows it to control Home Office data. Ms L says Santander shouldn't have written directly to her 14-year-old son and would like substantial compensation.

Santander says the account terms and conditions make clear it's entitled to ask a customer for identity and status documents as they must be a permanent resident of the United Kingdom. It says it complied with its regulatory duties by asking Ms L to provide permission for it to access an approved Home Office site for establishing identity and immigration status. It also says the letter Ms L provided about such status made clear it could not be used as evidence of status. Santander says it will not pay the £5,000 compensation Ms L would like.

Ms L brought her complaint to us, and our investigator didn't uphold it. The investigator explained our role, that we are not Santander's regulator and that it's not our role to decide if there has been a breach of the law. The investigator thought Santander's account terms and conditions made clear that Ms L was required to provide evidence of status and identity. And the letter from the Home Office made clear it couldn't be used as proof of status.

Ms L doesn't accept that view and says she doesn't accept the £100 compensation she was offered for the delay in processing her information request. She says a different bank approved her account applications and questions the law that allows Santander to control private Home Office data.

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 have come to the overall view that I don't uphold this complaint. I appreciate Ms L will be disappointed by my decision and appreciate how strongly she feels about what took place. I confirm that I have read all of her detailed submissions to us.

I hope it will be helpful to Ms L if I set out our role here and explain which areas of her complaint that we can't deal with for reasons I will explain.

We are not Santander's regulator which means we can't punish it or direct it about how it runs its business. I am sure that Ms L appreciates that Santander has regulatory duties that it must comply with and so I can't fairly direct it about the type of documents it accepts or what

process it has for establishing identity or an immigration status. I make that clear as I think this is the crux of the complaint here that Ms L questions why Santander wishes to access Home Office data to establish identity or status. I'm satisfied it's not our role to question that process and that it would be for a court to decide if that process was illegal not us.

I'm satisfied that Santander's account terms and conditions make clear that a customer must be a permanent resident of the United Kingdom and provides details of evidence that it will accept. So, I think Santander made its position clear and I have made clear that it's not our role to tell it what type of documents it accepts or what its rules are for offering an account.

I have looked carefully at the letter Ms L provided about her children's status which I think clearly states "this letter... is not proof of your status and cannot be used to prove your status to others". I don't think that letter could be clearer and don't think Santander made a mistake or acted unfairly by asking Ms L in those circumstances to provide additional evidence. I can also see that Santander asked Ms L to allow it to use the Home Office share code facility which I think would have allowed Santander to use an approved method of obtaining the evidence it required. I don't think it clear what Ms L's objection to that process was and think Santander was entitled to ask Ms L to use that process. It follows that I don't think Santander acted unfairly or made a mistake by doing so.

I appreciate Ms L suggests that somehow Santander would be able to control Home Office data by having such access. I don't think that is the case and am satisfied the Home Office share code system is designed for issues such as this and would not allow Santander to have any control of the data. But simply be able to obtain evidence of immigration status. I am satisfied this process is well known and established. And it difficult to see why Ms L suggests her children's data and information would be unsafe if Santander were able to use the Home Office share code, when she opened a bank account with it, no doubt with the intention of safely depositing money with it.

I have not seen any evidence that Santander has discriminated against Ms L by asking for the information and not seen any evidence this is anything other than a standard request in these circumstances.

Santander accepts it ought to have written to Ms L rather than her 14-year-old child and accepts it ought to have dealt with her information request far quicker. I can see it has offered £100 compensation which I think is fair and reasonable. I appreciate that is not the main part of this complaint. But don't think that delay justifies further compensation or that it had a significant impact or caused financial loss. I can see that the investigator has explained which organisation would decide if data protection rules were broken.

I can see that Ms L has now opened accounts at a different bank and questions why different process was used. That is not something I can comment on. I also think Santander was entitled to close the accounts if required information wasn't provided and find this now brings an end to what we in trying to resolve this dispute informally can do.

My final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms L to accept or reject my decision before 26 August 2023.

David Singh
Ombudsman