

The complaint

Mr W complains Santander UK Plc failed to handle his data correctly.

What happened

Mr W received three envelopes through the post, from Santander, containing lots of personal data. Mr W hadn't asked for any information and contacted Santander.

Santander said it received a request for a data subject access request (dSAR) from a solicitor. Santander said the dSAR request was dated more than six months before, so in line with its policies it sent the information to Mr W direct.

Mr W was worried his data had been sent to someone else without his authority. Mr W contacted Action Fraud and the Information Commissioner's Office and brought his complaint to this service.

An investigator looked into things but didn't think Mr W's complaint should be upheld. The investigator said Santander hadn't sent the data to anyone other than Mr W.

The investigator thought Santander had acted fairly in not sending the information direct to the solicitors as the dSAR was dated a little while before Santander received it.

Mr W disagreed and said he'd received poorly addressed envelopes as part of the information he was sent. And Mr W thought Santander should have contacted him before sending the information out, to check he wanted the dSAR completed.

Mr W asked for an ombudsman to decide things.

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 seen the dSAR request Santander received, and it has Mr W's correct name, address, date of birth and it's signed. I don't think Santander was wrong to believe the dSAR it received had been authorised by Mr W.

I also think it's important to say the dSAR was from a regulated solicitor, a business Santander could expect to be sending legitimate dSAR requests.

Mr W's said he didn't sign the dSAR request and he didn't ask the solicitors to act on his behalf. This could be the cause of a complaint from Mr W to the solicitor, but I have to decide whether Santander's treated Mr W unfairly.

And I don't think Santander made an error in thinking the dSAR was anything other than a valid request from a solicitors Mr W had authorised to act on his behalf.

Santander's said it sent the information direct to Mr W because the dSAR had been dated a little while before it received it. This seems a reasonable thing to do. I think Santander's looked to protect Mr W in the unlikely event he wasn't expecting the dSAR.

Mr W's said Santander should have contacted him before issuing the dSAR. In hindsight, this might have been the better thing to do but I still think Santander could fairly rely on the dSAR being legitimate, so I don't think it had to contact Mr W.

And I don't think the dSAR being more than six months old should have meant Santander disregarded it entirely or thought it suspicious. It had some concerns, which is why it sent the information to Mr W direct, but I don't think the age of the dSAR was unduly suspicious.

Santander sent Mr W three envelopes, and he's said he received three envelopes. Mr W was concerned more might have been sent, and possibly lost in the post, but Santander's confirmed it sent three envelopes out to Mr W in response to the dSAR.

Mr W's unhappy one of the envelopes was handwritten and had parts of his address spelt incorrectly.

Whilst this must have been a little worrying for Mr W, especially when he didn't know how many envelopes had been sent, I don't think Santander needs to do anything to resolve things here.

Mr W received the poorly spelt envelope, and I'm satisfied he received all the envelopes Santander sent out.

And since I'm also satisfied Santander fairly responded to the dSAR it received, and didn't send Mr W's information to anyone other than him, I don't think Santander needs to do more to resolve Mr W's complaint.

My final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 13 February 2024.

Chris Russ
Ombudsman