

The complaint

Mr O complains that Santander UK Plc has harassed him with phone calls at unacceptable times and says he was asked for details about his circumstances that Santander didn't need to know. He wants compensation for his time wasted on calls.

What happened

Mr O received a call from Santander while abroad. Due to the time of the call, he didn't answer this and instead contacted Santander later and arranged a call-back and said what time would be suitable. However, he was called the next day at the same unsuitable time. Mr O was asked to provide information which he felt was harassment as it was only four months since he had been previously asked for such information. Mr O says he answered the questions even though he thought some of the information wasn't needed and shouldn't have been requested. Mr O asked why the information requests couldn't be made by email noting he was often asked for proof to be provided. He asked for a list of all the questions Santander had asked him and for it to identify which of these are required by the regulations and provide compensation for any questions asked that weren't required.

Mr O then received further calls and was told his account would be closed if he didn't co-operate. He says Santander didn't specify the information it wanted. He says he gave them plenty of opportunity to justify its line of questioning, but it just continued to demand information.

Santander issued a final response letter dated 25 July 2023. It apologised that Mr O felt its questions were overly intrusive but said it was obliged to comply with the regulations and followed the guidance provided when doing this. It said it believed the questions it asked were justified by the legislation and it wouldn't provide justification for each question asked as Mr O had requested. It said that Mr O was entitled to refuse to answer the questions but that if it wasn't able to complete its checks this would lead to his accounts being closed. Santander did accept that it had called Mr O at unsocial hours even though he had explained he was abroad and as an apology for this and the incomplete email it sent to Mr O it credited his account with £200.

Mr O wasn't satisfied with Santander's response and referred his complaint to this service.

Our investigator said that Santander told Mr O why it was requesting the information. She said that checks were ongoing for the period the bank provides a service to the customer and are known as the Know Your Customer (KYC) checks. She said that Santander undertook checks in June 2023, and it had explained that while Mr O wasn't required to answer the questions it needed to satisfy its own KYC requirements and if this didn't happen it was within its right to terminate its relationship with Mr O. Based on this, she didn't think that Santander had done anything wrong by going through its KYC process. She did acknowledge that Mr O hadn't been provided with the service he should have noting the call times and a delay in an email being sent. She thought the £200 compensation offered by Santander was a reasonable response to these issues. Therefore, she didn't require Santander to take any further action.

Mr O didn't accept our investigator's view. He said he wanted an ombudsman to review Santander's KYC process and restrict Santander to what falls within the regulations. He said he had no choice but to answer the questions as if he didn't his account would have been blocked. He said the request for overseas addresses and continued demands after information had been supplied was harassment. He said the regulations didn't require him to state when he bought his house or shares or how much they are worth.

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.

This decision is in regard to the issues addressed in Santander's final response letter dated 25 July 2023. I can understand why Mr O has been frustrated by the information requests he has received from Santander and I note his comments that given the frequency of requests and the nature of these he feels he has been harassed. But for me to uphold this complaint I would need to be satisfied that Santander had done something wrong or treated Mr O unfairly. And, if any mistakes have been made that Santander hasn't done enough to redress these.

There are two aspects to this complaint. The first is about the information Santander has requested and the second is about the service it has provided while making these requests.

Santander has a set of procedures in place for monitoring accounts in order to comply with its legal and regulatory obligations. It has explained to Mr O the regulations that require it to make the information requests it has. Our role isn't to tell Santander how to meet its regulatory obligations but to review whether Santander treated Mr O fairly and if its actions were reasonable.

In this case, having looked through the case notes that Santander has provided and evidence of the information gathering exercise it was completing I find it reasonable to accept that it was acting in line with its usual process when requesting information from Mr O. I understand that Mr O believes the requests to be overly intrusive and Santander explained that while he wasn't obliged to provide information he didn't wish to, if it couldn't complete the required checks it wouldn't be able to continue its banking relationship with him. So, while I take on board Mr O's comments, in this case I find that Santander was requesting information from Mr O in line with its usual policies for meeting its regulatory obligations. Because of this I do not find I can say it did anything wrong or treated Mr O unfairly by requesting this information.

Santander didn't however provide the service it should have through this process. It attempted to contact Mr O and he then got in touch to say he was abroad and to note the time that a call should be made. However, Santander didn't act on this information and made a further call at an unsocial hour to Mr O. There were then issues with a call being disconnected and Mr O requesting an email which was sent without all the details included. This will have added to the frustration Mr O was experiencing with the process and caused him unnecessary stress and inconvenience. Santander credited Mr O's account with £200 because of this and I find this reasonable.

Because I do not find I can say that Santander did anything wrong or treated Mr O unfairly by requesting information to meet its regulatory obligations. And I find the compensation it has paid for the service issues raised during this process is reasonable, I do not require it to take any further action.

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 O to accept or reject my decision before 21 February 2024.

Jane Archer
Ombudsman