

## **The complaint**

Mr S is unhappy that The Co-operative Bank Plc sent him marketing communications when he had opted out of receiving marketing correspondence from them.

## **What happened**

Mr S received marketing messages from Co-op as notifications on his mobile banking app ("push notifications"). Mr S wasn't happy about this because he'd opted out of receiving marketing correspondence from Co-op. So, he raised a complaint.

Co-op responded to Mr S and explained that he could change the settings on his mobile phone so that he didn't receive any push notifications from them. Mr S wasn't satisfied with Co-op's response, in part because he wanted to receive push notifications that might be important to him, such as potential fraud alerts. So, he referred his complaint to this service.

One of our investigators looked at this complaint. But they didn't feel Co-op had acted unfairly in how they'd managed the situation and so didn't uphold the complaint. 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.

Mr S feels that some of the push notifications he's received from Co-op have been marketing in nature. Unfortunately, Mr S hasn't been able to provide copies or examples of these notices. And I don't feel that the push notifications that Co-op have provided to this service and confirmed were sent to Mr M are examples of marketing.

Additionally, Co-op have explained that they've sent the push notifications about which Mr S complains to their mobile app users in general, and not specifically to Mr S, and that this is in accordance with their process and policy regarding push notifications. And given that this service isn't a regulatory body, it isn't for me to instruct Co-op to change their process or policy as Mr S would like.

What is within my remit is to decide whether I feel Co-op have acted fairly towards Mr S here. When considering this point, I've noted that Co-op have given what I feel is a reasonable solution to Mr S – to change his mobile phone settings so as to opt out of

receiving all push notifications from Co-op – which he can implement, and which will stop him receiving the push notifications from them.

Mr S has explained that he doesn't want to stop receiving all push notifications from Co-op, but only stop receiving the notifications he isn't happy with. But Co-op don't offer a facility to allow account holders to tailor the types of push notifications they receive, and nor are they obliged to. And, as previously explained, it isn't within the remit of this service to consider instructing Co-op to offer such a facility.

Mr S has explained that he's concerned that if he stops all push notifications from Co-op that he might not receive important notifications, such as potential fraud alerts. But Co-op can contact Mr S about instances of potential fraud by a variety of channels, including by text message, email, or phone call. And if Mr S wants to be able to receive potential fraud alerts by push notification specifically, he can only do so by continuing to receive the full suite of push notifications that Co-op send. And I don't feel that this is unreasonable or unfair.

Finally, Mr S feels that by sending him marketing push notifications when he's specifically opted out of receiving marketing correspondence from them, Co-op are in breach of data protection legislation. But it isn't for this service to declare whether a breach of data protection legislation has occurred or not – that would be for Information Commissioner's Office, the relevant regulatory body in this instance, to decide. Rather, as explained, my remit here is decide whether I feel Co-op's actions here are fair or unfair.

Ultimately, I don't feel Co-op have acted unfairly towards Mr S as he contends. And it follows from this that I won't be upholding this complaint or instructing Co-op to take any action. This is because I don't feel that it has been demonstrated that Mr S has received marketing push notifications from Co-op, and because I'm satisfied that Co-op have provided Mr S with a reasonable solution to enable him to stop receiving push notifications from them.

I realise this won't be the outcome Mr S 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 S to accept or reject my decision before 19 October 2023.

Paul Cooper  
**Ombudsman**