

The complaint

Mrs M complains that Sainsbury's Bank Plc (who I'll call Sainsbury's) sent correspondence about her debt to the wrong email address and that they didn't inform her a payment plan had ended.

What happened

The details of this complaint are well known to both parties, so I won't repeat them again here. Instead, I'll focus on giving my reasons for my 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.

I was sorry to hear about the problems Mrs M has experienced and I would agree with the investigator that Sainsbury's need to take some action to put things right for her. But having read the evidence provided I think the redress the investigator has recommended is fair in the circumstances. I'll explain why.

Where the information I've got is incomplete, unclear, or contradictory, as some of it is here I have to base my decision on the balance of probabilities.

I've read and considered the whole file, but I'll concentrate my comments on what I think is relevant. If I don't comment on any specific point it's not because I've failed to take it on board and think about it but because I don't think I need to comment on it in order to reach what I think is the right outcome.

The Information Commissioner's Office regulates compliance to data protection laws in the UK. It has a number of powers including the power to order businesses to comply with data protection laws and to fine them. But, unlike us, it doesn't have the power to award compensation to consumers who've suffered financial loss or have been caused distress and inconvenience by the way a financial business has handled their personal information.

The main data protection laws are the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA). They set out a number of obligations on businesses when they use their customers' personal information. For example, they are required to use the information fairly and lawfully, keep it secure and to delete it when it's no longer needed.

Here Sainsbury's accept that they didn't delete an old email address they had for Mrs M. An email about a potential default was, therefore, sent to her ex-partner and was shared with family members.

Mrs M has explained that she suffers from several medical conditions. I won't list them here, our investigator has already set them out, but I have read the file and I can understand, and think it's likely, that the conditions Mrs M complains of would have been exacerbated by Sainsbury's error. Sainsbury's haven't been able to provide evidence that they told Mrs M

that her payment plan would end in December 2022, she continued to make payments as agreed under that plan, so I think it's likely she wasn't aware it had ended until April 2023. Mrs M was already in financial difficulty and was trying to do something about it, so it must have been upsetting to hear that news and even more upsetting to realise that details of her financial difficulty had been shared with others. Sainsbury's have acknowledged the data breach and have offered to pay Mrs M £300 in respect of the distress and inconvenience caused. They've also been prepared to refund interest and fees incurred between January and June 2023 which I think remedies the financial impact of Mrs M not being aware her plan had come to an end.

Putting things right

Taking all of the above into account I think Sainsbury's should pay Mrs M a further £100 in respect of the distress and inconvenience that she's experienced here. I'm aware Mrs M would like Sainsbury's to make a more significant payment, but having taken all of the circumstances into account I think that is sufficient.

My final decision

For the reasons I've given above, I uphold this complaint and tell Sainsbury's Bank Plc to pay Mrs M £400 (less anything they've already paid) to compensate her for the distress and inconvenience she's experienced as a result of their error.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs M to accept or reject my decision before 29 January 2024.

Phillip McMahon
Ombudsman