

The complaint

Miss H complains about HSBC UK Bank Plc's handling of her Data Subject Access Request (DSAR) and their service.

What happened

Miss H submitted an irresponsible lending complaint to HSBC and then to our service. This complaint has been dealt with separately but in connection with this Miss H submitted a DSAR to HSBC.

Miss H was dissatisfied with the way HSBC handled her DSAR, so she submitted a complaint to them. However, Miss H was dissatisfied with the outcome as:

- She didn't get all the information she required
- HSBC refused to give her their CEO's details and she didn't get a response from the CEO as requested
- The £75 compensation she received was insufficient considering her time and HSBC's delay and poor service

HSBC were satisfied their explanations and compensation were fair, but Miss H disagreed and referred her complaint to our service.

Our investigator considered HSBC to have acted fairly by apologising for the delays and compensating Miss H with £75.

As Miss H remains dissatisfied, this case has now been referred to me to look at.

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'm not upholding this complaint and I'll explain why.

I should first explain that:

- I can't tell a business to make alterations to their systems, procedures or processes, including the data and information they provide and retain. I say this because we aren't the regulator of the financial services industry and businesses can make commercial decisions.
- Our service doesn't have the power to issue fines or penalties for complaints about DSAR delays or omissions, however a complainant does have the option to refer allegations of breaches to the Information Commissioner's Office (ICO).
- There are rules (known as DISP Rules) laid down by the Financial Conduct Authority

which means complaint handling is not a regulated activity. So, specific complaints about HSBC's complaint handling, including response procedures, can't be considered by our service.

- What we can do is consider each individual case and decide what should be done to put right any financial or non-financial losses that a consumer has experienced. And we can ask a business to pay a proportionate level of redress.

I first considered Miss H's dissatisfaction over the information provided. I can understand Miss H's frustration at having to calculate fees and interest payment information, however I'm satisfied HSBC don't specifically hold the figures she requires. Also, this information can be obtained from statements they've provided. So, in these circumstances I don't think it's unreasonable of a business not to provide a manual calculations service.

Regarding the call recordings, it isn't that HSBC haven't provided Miss H with this information. Instead, they've provided it in a format which she unfortunately can't access, perhaps because of her software. However, I can't see this as an HSBC error and would also suggest Miss H has a discussion with HSBC about alternative formats.

Regarding Miss H sending her complaint to HSBC's CEO and expecting a response, it's common for customers to escalate complaints to a CEO and for businesses, especially large banks, to have procedures where most complaints aren't routed to busy CEO offices and final response letters have oversight from skilled and knowledgeable delegated employees. So, I found HSBC's action to be reasonable here.

Finally, I fully reviewed all submissions on file to assess the service Miss H received when she contacted HSBC. HSBC say they didn't receive Miss H's original DSAR request and file notes contain information on liaison about complaint handling and Miss H's other complaint. However, HSBC don't dispute Miss H had to chase them, that she had to make more contact than was necessary and their service should've been better. So, I'm satisfied some compensation is required.

Assessing compensation isn't an exact science and our approach when making awards for non-financial loss is detailed on our website and tends to be modest. So, I considered this, the number and nature of Miss H's contacts, together with the impact on Miss H to determine whether HSBC's £75 compensation was fair and reasonable. Having done so, although I recognise Miss H's frustration and disappointment, I'm not persuaded that HSBC's compensation should be any higher.

So, having considered all the above I'm not upholding this complaint.

My final decision

My final decision is I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss H to accept or reject my decision before 8 January 2024.

Paul Douglas
Ombudsman