

The complaint

Mr M has complained that, in the course of a complaint following an application for a further advance, National Westminster Bank Plc (NatWest) sent emails to an incorrect address, in breach of the General Data Protection Regulation (GDPR).

Mr M initially complained about other issues, but has clarified that this is the only issue on which he would like me to make a decision.

What happened

I will summarise the complaint in less detail than it's been presented. There are several reasons for this, so there is no need for me to repeat the details here. I will instead concentrate on giving the reasons for my decision. In addition, our decisions are published, so it's important I don't include any information that might lead to Mr M being identified. So for these reasons, I will keep my summary of what happened quite brief.

Mr M had applied for a further advance to carry out home improvements. Mr M had a phone conversation with NatWest on 19 August 2022. He explained that when he'd spoken to an adviser, he'd been told information would be emailed to him. The bank checked the email address but it was Mr M's old work email address, so the bank updated it but incorrectly recorded it as: (anonymised) [name]@****t****.co.uk. The correct email address was, in fact: [name]@****d****.co.uk

The application was taking longer than Mr M had anticipated, and so he took out a personal loan with another bank. This impacted his credit score and resulted in the application being declined. Mr M raised a complaint and, unhappy at the length of time the bank was taking to respond to his complaint, Mr M contacted the bank again.

It was at this point that the issue with the incorrect email address was noted. The bank had sent a holding letter on the complaint and its final response (rejecting the complaint about the decline of the further advance) to that incorrect email address.

Mr M complained to our service, but the investigator didn't think the complaint should be upheld. In relation to the email address, he was satisfied that there was no such email address and so the emails from NatWest would not have been intercepted by a third party.

Mr M asked for an ombudsman to review the complaint.

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.

Mr M has explained that he has now been able to arrange his further advance with NatWest and no longer wishes to pursue his complaint about that, his only concern now being a possible breach of the GDPR by the bank using an incorrect email address.

With regard to the application documentation initially having been sent to Mr M's previous work email address, I can't hold the bank responsible for this. Mr M hadn't updated his email address, and so NatWest wasn't to have known that his email had changed. I therefore don't find the bank to be at fault in sending emails to Mr M's previous work email address when the bank hadn't previously been told by Mr M that he'd changed it.

It was during the call on 19 August 2022 that Mr M updated his email address from his old work email address, but, as noted above, it was incorrectly recorded by the bank. Mr M is concerned that confidential emails about his further advance application might have been sent to that incorrect email address.

I have checked the website www.****t****.co.uk, and it does not connect through a browser. I have also searched the WHOIS database, which is provided free by Nominet UK, the central registry for .uk domain names. This shows that ****t****.co.uk has never been registered as a domain name, and so does not exist.

I am satisfied, therefore, that emails sent to [\[name\]@****t****.co.uk](mailto:[name]@****t****.co.uk) could not have been intercepted by any other party, as there is no domain at which those emails could have been received. In the circumstances, the evidence is persuasive that the bank has not done anything in relation to emails sent to [\[name\]@****t****.co.uk](mailto:[name]@****t****.co.uk) which is likely to have caused any actual or potential loss to Mr M.

However, if Mr M believes that NatWest has breached his personal data, this is something that he will need to refer to the Information Commissioner's Office, which, unlike the Financial Ombudsman Service, has regulatory powers to investigate data breaches under the GDPR.

My final decision

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

This final decision concludes the Financial Ombudsman Service's review of this complaint. This means that we are unable to consider the complaint any further, nor enter into any correspondence about the merits of it.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 9 October 2023.

Jan O'Leary

Ombudsman