

## The complaint

Ms B complains that Bank of Scotland plc, trading as Halifax, sent her financial information to the wrong address.

## What happened

I issued my provisional decision on 11 December 2023, and this is what I said:

*I've considered the relevant information about this complaint.*

*Based on what I've seen so far, there will be a different outcome to what our investigator proposed.*

*Before I issue my final decision, I wanted to give everyone a chance to reply.*

*I'll look at any more comments and evidence that I get by 2 January 2024. But unless the information changes my mind, my final decision is likely to be along the following lines.*

### *The complaint*

*Ms B complains that Bank of Scotland plc, trading as Halifax, sent her financial information to the wrong address.*

### *What happened*

*In May 2023, Ms B contacted Halifax as she hadn't been receiving her bank account statements since the start of the year.*

*Ms B subsequently discovered that Halifax had transposed her house number and her statements had gone to a different address and one where she had a connection to the occupant. In addition, Ms B said a Halifax letter containing loose statements had been opened and handed back by the occupant and, due to the connection, she found this very distressing.*

*Ms B complained to Halifax and asked for an explanation. Halifax apologised and although they accepted they had made an error, they couldn't be certain about what had happened. Halifax said they thought it was likely to be a technical issue caused by the address being incorrectly updated on their system following Ms B's liaison with one of their departments in February 2023. Halifax corrected Ms B's address and paid her £80 compensation for the distress and inconvenience caused.*

*Ms B was dissatisfied with Halifax's response and complained to our service.*

*Our investigator didn't think £80 compensation was a fair reflection and said it should be increased to £150.*

*As Ms B remains dissatisfied this complaint has been referred to me to look at.*

### *What I've provisionally 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, for the following reasons, I have come to the view that the compensation award should be further increased to £500, and I'll explain how I've come to this decision. I should first explain that I can't tell a business to make alterations to their systems, procedures or processes. I say this because we aren't the regulator of the financial services industry.*

*Also, our service doesn't have the power to issue fines or penalties for breaches of personal data and as explained by our investigator Ms B has the option to refer this matter to the Information Commissioner's Office (ICO).*

*However, 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. So, we can ask a business to pay a proportionate level of redress. Although 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.*

*While there hasn't been a financial loss here, it's clear that Halifax have made an error which has had a very serious impact on Ms B. I'm persuaded by Ms B's testimony that her private and sensitive financial information has more likely than not been seen by other people. Also, there is a high likelihood that information, which she is entitled to keep strictly private, has been shared with people she has connections with.*

*I say this because, in addition to the occupants of the incorrect address receiving envelopes containing her statements, one of the occupants returned a Halifax envelope they had opened containing her loose statements.*

*So, I can fully understand Ms B's considerable upset and distress here and I'm persuaded that the impact has been more than just minimal, and an apology and £80 compensation is insufficient redress to remedy the mistake.*

*I'm also persuaded that the impact here is lasting and, whilst I can understand businesses sometimes being unable to explain a mistake, Halifax's uncertainty over how the error occurred adds to Ms B's distress and loss of confidence.*

*So, having considered all of the information from both sides here, I think £500 is an amount which more fairly reflects the significant impact this had and continues to have on Ms B.*

*My provisional decision*

*For the reasons I've given above, it's my provisional decision to uphold this complaint.*

*I require Bank of Scotland plc, trading as Halifax, to pay Ms B £500 compensation.*

*I'll look at anything else anyone wants to give me – so long as I get it before 2 January 2024.*

*Unless that information changes my mind, my final decision is likely to be as I've set out above.*

## **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 would like to thank both parties for responding before the deadline.

Halifax said:

*"I can confirm the bank is happy to agree with the provisional Final Decision and pay Ms B an additional £420.00 to bring the total D&I to £500.00".*

Ms B said she was confused by my following statement:

*'Halifax said they thought it was likely to be a technical issue caused by the address being incorrectly updated on their system following Ms B's liaison with one of their departments in February 2023'.*

Ms B clarified that her address was never discussed or checked and said:

*"My address was obviously changed or updated after this event which the Halifax are saying was due to a technical issue. The fact remains I did not authorise a change of address but someone from Halifax changed or updated my address to the wrong address and in doing so breached my data protection".*

So, thinking about everything again and, in light of the above comments, I further reviewed the file.

I still think there's a lack of information and certainty over how the error occurred and I remain satisfied that this added to the impact on Ms B.

However, my view on the impact and compensation remains the same and, as no further arguments have been produced in response to my provisional decision, I adopt my provisional decision and reasons as my final decision.

### **My final decision**

My final decision is that I uphold this complaint.

I require Bank of Scotland plc, trading as Halifax, to pay Ms B £500 compensation less any amounts already paid.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms B to accept or reject my decision before 16 January 2024.

Paul Douglas  
**Ombudsman**