

## **The complaint**

Mr W feels that Yorkshire Building Society (“YBS”) obtained his personal information deceitfully and is unhappy that they won’t delete his personal information as he requests.

## **What happened**

Mr W applied for an online YBS account and submitted his personal identity documents via an online service. But the online service couldn’t verify Mr W via his online submissions, and so Mr W was asked to present his documents either in person in branch or by post. Mr W didn’t want to do this and so asked YBS to cancel his application and delete his personal information. But YBS explained that while they would close the newly opened account, they were obliged to retain his personal information as per their legal requirements. Mr W wasn’t happy about this, so he raised a complaint.

YBS responded to Mr W and reiterated that they’re obliged to retain his personal information to comply with their legal obligations. Mr W wasn’t satisfied with YBS’s response, so he raised a complaint.

One of our investigators looked at this complaint. But they didn’t feel YBS had acted unfairly in how they’d managed the situation. Mr W 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.

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.

In this instance, while I appreciate that Mr W may not like how matters have transpired, I don’t feel that he has been treated unfairly by YBS.

One of the reasons I say this is because YBS did enable Mr W to attempt to verify his personal identity documents online. Unfortunately, YBS wasn’t satisfied with the documents presented by Mr W via the online service and so asked Mr W to present his documents either by post or in person.

This seems reasonable to me, and I don’t feel it follows that all attempts at online verification should necessarily be successful. And if YBS held concerns about Mr W’s documents as presented online – as they did – then I feel that they would reasonably be expected to request sight of the original documents to resolve those concerns. And I also don’t feel that it’s unreasonable for Mr W to have been expected to present his documents in person in branch, or to have posted the documents to YBS as an alternative option.

Of course, it's for Mr W to decide if he doesn't want to comply with YBS's requirement in this regard. But given that I don't feel that YBS's requirement is unreasonable or unfair, it follows that I also don't feel that the consequences of Mr W not complying with that requirement, about which he now complains, are unreasonable or unfair.

YBS have explained that their account opening process includes opening a new account at the time of the application, pending receipt of personal identification documents, so that the documents, when received, can be appended to that newly opened account – the functionality of which will be released to the applicant upon their successful verification.

It's for YBS to set their account opening processes. And I don't feel their process is unfair, given the several channels that YBS present to applicants to verify themselves to YBS's satisfaction.

YBS have also confirmed that when an account is opened – as Mr W's account was – they are then bound by legal obligations surrounding opened accounts which mean that they're required to retain the personal information provided to them by Mr W for a period of 15 years. And while Mr W did ask to close the account within the 14-day cooling off period, YBS have explained that the closure of an account during a cooling off period doesn't absolve them of their obligations to retain the personal information of the applicant.

Ultimately, I'm satisfied that YBS gave Mr W a fair opportunity to verify himself to YBS's satisfaction, via the online process which unfortunately wasn't successful, and via the in-person and by-post options. And while Mr W may not have been happy that that he wasn't able to verify himself to YBS's satisfaction online, it doesn't follow from this that Mr W has been treated unfairly. Accordingly, I won't be upholding this complaint.

I realise this won't be the outcome Mr W was wanting, but I hope 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 W to accept or reject my decision before 21 September 2023.

Paul Cooper  
**Ombudsman**