

## **The complaint**

Miss P's complained that Lloyds Bank General Insurance Limited ("Lloyds") failed to rectify her data following a referral she made to the Information Commissioner's Office (ICO) – including data which they had previously submitted to the Financial Ombudsman Service in response to Miss P's complaints.

## **What happened**

In 2015, Miss P's property was damaged by a flood. A second flood occurred in 2020. Miss P made claims in respect of the damage caused on each occasion. The claims have not been settled to Miss P's satisfaction.

Miss P has previously complained to the Financial Ombudsman Service about the handling of the claims and ombudsmen have made final decisions relating to those complaints.

Miss P now complains that Lloyds have breached her rights as a data subject and failed to ensure her personal data, including that sent to the Financial Ombudsman Service in respect of its previous investigations, was complete and accurate. And she says Lloyds created data to try and correct this.

Miss P made a data subject access request (DSAR). Lloyds provided the data it and its contractors held for her. And they confirmed, in response to a complaint, that they had provided everything they held.

Miss P complained to the ICO. The ICO sent a letter to Lloyds, which included the following:

*"You should look again at the issues raised by your customer.*

*If you believe you have complied with the law, you should review the contact you have had with your customer to see if you can explain your position more clearly. This might mean explaining what you have done in more detail, or in a different way, so your customer understands how you have handled their personal information and how you have acted fairly, and properly in accordance with the law.*

*However, if something has gone wrong, you should work with your customer to put it right."*

Following this, Lloyds wrote to Miss P again. They confirmed they'd complied with her requests for her personal data. But they said they'd not dealt with the rectifications she'd requested. In relation to this, Lloyds said their files were accurate and that Miss P's requests for rectification related to how they'd interpreted the data, rather than it being incorrect. So they said there were no rectifications to make.

Miss P didn't accept what Lloyds had said and brought her complaint to our service. Our investigator reviewed the information and thought it should be dismissed. She said Miss P wanted the data amended so that her claims could be fairly dealt with. But this is an issue we'd already considered within her previous complaints – so to consider this again would seriously impair the effective operation of the Financial Ombudsman Service.

I didn't agree with our investigator's view. So I made a provisional decision. I didn't agree with our investigator that considering Miss P's complaint about her data concerns would seriously impair our effective operation – so I didn't think it should be dismissed.

But I was satisfied from the evidence I saw that Lloyds had dealt with the directions from the ICO. So I provisionally decided they didn't need to do any more to resolve Miss P's complaint.

Lloyds made no comment on my provisional decision. Miss P has provided comments which I'll refer to in my final decision below.

### **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 that, I'm not upholding Miss P's decision for the reasons set out in my provisional decision and summarised above. I know she'll be disappointed by that. I hope it will help if I explain my reasoning.

Before I do that, I can see Miss P appears confused by my provisional decision. So I want to clarify our process.

Our rules (the Dispute Resolution: Complaints rules – known as DISP) set out (in DISP 3.5.4) that both parties have an opportunity to make representations, before we provide a provisional assessment of the complaint and, if either party is unhappy with that assessment, proceed to a final decision. In this case, both parties made representations, which the investigator considered before providing a provisional assessment that the complaint should be dismissed. I disagreed with that view, which is why I sent my own provisional decision.

I wrote that provisional decision having reviewed everything Miss P and Lloyds submitted. My decision focuses particularly on the points and evidence I consider material to the outcome of the complaint. But I have considered everything we were sent. If I don't refer to a specific point or piece of evidence, it's not because I haven't read and thought about it. Rather, I don't consider it changes my decision.

The proper body to consider data breaches is the Information Commissioners Office (ICO). Our role here is limited to considering whether Lloyds have followed the advice provided by the ICO in relation to Miss P's data. And – as I said in my provisional decision – I'm satisfied they did that.

Miss P still doesn't accept that's the case. In response to my provisional decision, she detailed a number of examples, which she says show her data isn't right, or has been destroyed.

Within the documentation sent to us, Miss P provided a copy of a letter dated 5 October 2023 sent to her by Lloyds which addresses the correction of data. It says:

*"The information I have reviewed in our files is accurate and has not been amended. The requests to have these records corrected appear to be related to the disputed claims and conflicts in interpretation of information, rather than the personal data being incorrect. I do not intend to explore the claim decisions further as these have been reviewed separately already by both ourselves and the Financial Ombudsman Service."*

This leaves the Financial Ombudsman Service in the position where one party says data is accurate and the other that it isn't. We can't determine who's right. For that reason – and

while I'm sorry Miss P will be dissatisfied with my decision – I don't think Lloyds need to do any more to resolve her complaint.

**My final decision**

For the reasons I've explained, I'm not upholding Miss P's complaint about Lloyds Bank General Insurance Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss P to accept or reject my decision before 14 February 2024.

Helen Stacey  
**Ombudsman**