

## **The complaint**

Mr L complains that HSBC UK Bank Plc has sent him unsolicited e-mails.

## **What happened**

Mr L says he asked HSBC to stop sending him any unsolicited e-mails or market research e-mails. He says despite that request and promise it would not, HSBC has continued to send him such material by e-mail. Mr L would like compensation for what took place and for the e-mails to stop.

HSBC says it sent Mr L generic e-mails which it sent to all its customers. It says the e-mails were about support or advice it could give customers. HSBC says it will continue to send such material and didn't tell Mr L it would not send such material. It says Mr L could remove his e-mail address from its records or could consider moving banks.

Mr L brought his complaint to us, and our investigator didn't uphold the complaint. The investigator thought the e-mails were not marketing e-mails and thought Mr L had the option of either moving banks or removing his e-mail.

Mr L doesn't accept that view and in summary says he was told in a telephone call he would not receive this sort of e-mail.

## **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 have come to the overall view that I don't uphold this complaint.

I have listened carefully to the telephone call between Mr L and HSBC. I'm satisfied that Mr L asked about his "settings" and was told he would not receive any marketing e-mails or market research e-mails or calls.

I have also looked at the material Mr L was sent. I can see he was sent information about support HSBC could provide on issues such as the cost of living, mental health issues and financial problems. I can't see how any of those topics can be described as marketing or market research and am satisfied they were standard e-mails offering help rather than for example trying to sell a product. I'm also satisfied that HSBC has fairly told Mr L that it doesn't regard that information as marketing and has sent it to all of its customers. So, I find that it's up to Mr L to decide in those circumstances if he wishes to bank with a business that has made clear it will send by e-mail that sort of information. I also think it's up to business when exercising its commercial judgement what information or assistance it provides to customers in circumstances where I am satisfied it's not marketing, or information designed to sell a product.

I can see that Mr L was sent an e-mail after the telephone call asking for feedback about the call. I appreciate that Mr L may say that was an attempt at market research. But I'm satisfied

that it was simply a request for feedback about a call and can't fairly conclude that was a marketing or market research e-mail.

Overall, I don't think HSBC has misled Mr L or contacted him in a way it said it would not. I also find HSBC has fairly offered to remove Mr L's e-mail address from its systems and fairly made it clear that Mr L will continue to receive such e-mails which it regards as important. It is of course a matter for Mr L to decide if he wishes to continue his business relationship with HSBC in those circumstances. It follows that I can't fairly order HSBC pay the redress Mr L would like or do anything further.

### **My final decision**

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr L to accept or reject my decision before 22 November 2023.

David Singh  
**Ombudsman**