

The complaint

Ms Y complains about Tesco Personal Finance PLC's handling of her personal information and her insurance policies and claims.

What happened

The background to this complaint is well known to both parties, so I'll provide only a brief summary here. Ms Y and Tesco can be assured that I have read and carefully considered all the information we have on file.

Ms Y has home insurance which was arranged and administered by Tesco. The policy is underwritten by an insurer, not Tesco. Tesco are a broker and administrator not an underwriter.

She made a complaint to Tesco in 2023. She said Tesco had:

- misinformed her about the legal protection cover on her policy;
- inappropriately provided her personal data to third parties;
- failed to provide information to another third party;
- treated her unfairly on the basis of her race and/or gender;
- failed to address a conflict of interest arising for one of the companies providing the legal protection cover on her policy;
- failed to make a note of her vulnerabilities on their systems; and
- failed to allow her to speak to someone qualified to discuss her vulnerabilities.

When Tesco didn't uphold her complaint. Ms Y brought it to us. Our investigator looked into it and didn't think Tesco has done anything wrong.

Ms Y disagreed and asked for a final decision from an ombudsman.

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.

What I'm considering in this decision is the complaint made against Tesco by Ms Y in 2023. She has made previous complaints, in 2021 and 2022.

I can't consider the issues raised in those earlier complaints because Ms Y did not refer them to our service within six months of receiving Tesco's final response, as required under the Financial Conduct Authority's dispute resolution (or DISP) rules - which govern how our

service operates.

The issue about Tesco misinforming Ms Y about the legal protection cover on her policy was raised and addressed as part of those earlier complaints. So, that's not something I'm going to consider here.

I should also be clear that I can only consider in this decision Ms Y's complaints about Tesco. She has made other complaints about financially regulated businesses. I can't look at those here.

Ms Y has also made wide-ranging allegations to us about businesses and/or public organisations which are not regulated by the Financial Conduct Authority because they don't provide financial services. Obviously, I can't address those issues here either.

I'll deal with the points raised in this particular complaint in order below.

Alleged data breaches

Ms Y's complaint appears to be that Tesco shared information with the underwriter of her policy.

As a broker and administrator, that's what Tesco will do. And that was made absolutely clear to Ms Y when she purchased the policy.

Tesco have not acted in any way unfairly or unreasonably in providing her details to the underwriter.

Alleged failure to provide information to a third party

Ms Y appears to have asked Tesco to refer her claim and/or complaints to a public body involved in resolving complaints involving the NHS.

Not unreasonably, Tesco have said that *would* be an inappropriate use of the personal data they hold about Ms Y.

Alleged discrimination and unfair treatment

Ms Y says Tesco have discriminated against her on the grounds of race and/or gender.

She hasn't explained in any detail how or why she thinks Tesco have done this. But she has suggested Tesco have carried out – or colluded with others in – fraud, money-laundering, abuse (of Ms Y), racism, misogyny and human trafficking, amongst other things.

It's important that any allegations of discrimination are treated seriously and investigated properly. Tesco have done that when those allegations were made to them about their own staff.

I'm satisfied there is absolutely no evidence to suggest Tesco or any of their staff have discriminated against Ms Y because of her race and/or gender or treated her in any way unfairly.

Alleged failure to address a conflict of interest

Ms Y thinks the underwriter shouldn't use a third party when providing the legal cover under her policy. This appears to be because a person she knows works for a company associated with that third party.

That would be a matter for the underwriter and not Tesco, who are - as I say above – acting here as a broker and administrator.

Alleged failure to record Ms Y's vulnerabilities appropriately

Ms Y tells us she has health issues which make her vulnerable. She's right to say that businesses who provide financial services to her, including Tesco, might record that information so that they can provide those services more effectively and treat her fairly.

The evidence we have suggests that when Ms Y advised Tesco about her health issues, they asked her permission to make an appropriate record on their systems. Ms Y didn't respond and didn't give her consent for Tesco to record that very sensitive personal information about her.

I can also see that when Tesco responded to Ms Y's complaints, they repeated the offer to make a note on their systems subject to Ms Y's consent.

I can't reasonably conclude that Tesco have acted in any way unfairly or unreasonably here. They were more than willing to record the relevant information about Ms Y on their systems and – as they should – asked her permission to do so.

Alleged failure to allow Ms Y to talk to someone qualified about her vulnerabilities

The evidence we have suggests that when Ms Y made that request to them, Tesco arranged for an appropriate member of their staff to call her. When the call was made, Ms Y refused to speak to that individual.

Again, it's impossible for me to conclude that Tesco acted in any way unfairly or unreasonably in the way they responded to Ms Y's request.

Summary

I can see no evidence at all to suggest that Tesco have treated Ms Y unfairly. The available evidence suggests they've handled her calls, queries and complaints politely, professionally and with understanding. And that they've handled her personal data entirely appropriately.

My final decision

For the reasons set out above, I don't uphold Ms Y's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms Y to accept or reject my decision before 8 November 2023.

Neil Marshall
Ombudsman