

The complaint

Mrs G complains that British Gas Insurance Limited (British Gas) cancelled her kitchen appliance insurance cover without her permission and disclosed her personal information to a third-party.

What happened

Mrs G lives in a property which is provided via her husband's work. Mrs G also had a British Gas kitchen appliance insurance policy to cover her fridge freezer.

The treasurer, acting on behalf of the property owner, contacted British Gas to take out a policy for items they were responsible for. In the process of arranging cover, British Gas noted that there was already an existing policy (Mrs G's) for a fridge freezer.

The treasurer thought the fridge freezer was owned by the property owner and needed covering under the new policy they were taking out. British Gas arranged the new policy with the treasurer, to include the fridge freezer, and cancelled Mrs G's policy.

Mrs G later became aware her policy had been cancelled by British Gas. The fridge freezer actually belonged to her, rather than the property owner. So, Mrs G raised a complaint with British Gas that they had cancelled her policy without her permission, and that they'd shared her personal information with a third-party, which she considered a breach of data protection.

British Gas responded and said they hadn't breached data protection and explained why they had cancelled the policy. They also said they had written to Mrs G to confirm the policy had been cancelled, and since then, had reinstated the policy at Mrs G's request.

Mrs G remained unhappy and approached this service.

One of our investigators looked into things but he didn't uphold the complaint. He said he'd listened to the call that took place when Mrs G's policy was cancelled, and her husband was made aware of this.

The investigator was also satisfied British Gas had sent a cancellation notice to Mrs G. He said British Gas also reinstated the policy when Mrs G made them aware, and then cancelled it at Mrs G's request and apologised. And the investigator thought that was reasonable for what had happened, so he didn't recommend they do anything further.

Mrs G didn't agree 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.

Having done so, I've reached the same outcome as our investigator.

Mrs G lives in a property which is owned by a third-party. When the treasurer was arranging cover for the third-party for the property and appliances they owned, British Gas noted there was already a policy (Mrs G's) in place for the fridge freezer.

I've listened to this call. However, I can't share this as it wasn't a call which Mrs G was part of. But British Gas has said that if Mrs G wants to listen to it, then she'd need to ask for this via the treasurer of third-party. I don't think what British Gas has said here is unreasonable.

Having listened to the call between the treasurer of the third-party and British Gas, the treasurer said the kitchen appliances, including the fridge freezer, belonged to the third-party so needed adding to the policy they were taking out.

As British Gas was under the impression the fridge freezer belonged to the third-party based on what the treasurer said, they were also under the impression that Mrs G had set up a policy in error for something which the third-party owned and was responsible for. Therefore, British Gas added the fridge freezer to the third-party policy, and cancelled Mrs G's policy.

I recognise that Mrs G wasn't part of this conversation and didn't give permission for this to be cancelled herself. But if the items were owned by the third-party, it was likely that it was their responsibility to insure. And that's the impression the treasurer on the call gave British Gas. But I understand the fridge freezer is in fact owned by Mrs G.

Mrs G says she was unaware that her policy had been cancelled at that time. However, during the call, the treasurer called Mrs G's husband and made him aware of this. Much of the conversation with Mr G's husband is inaudible, but in that specific part, the treasurer let him know the fridge freezer policy would be cancelled and it would be added to their policy. And he said "*alright*". Whilst Mrs G disputes her husband was aware of this, I've heard this from the call.

But regardless, it wasn't his policy, as the policy was in Mrs G's name, and I agree with Mrs G that British Gas should have spoken to her before cancelling her policy. When Mrs G made British Gas aware of what happened and that the policy shouldn't have been cancelled, the policy was reinstated at her request. It was then cancelled at Mrs G's request too. And whilst the policy was cancelled without her express agreement in the first place, Mrs G hasn't outlined that any detriment was caused as a result of what happened. And the policy is now no longer in force at her request either.

Mrs G also says she wasn't told by British Gas that her policy had been cancelled, and the first time she was aware was when she received a survey which asked for feedback following policy cancellation. However, I'm satisfied British Gas did send the cancellation notice on 28 September 2023, and I'm not able to hold them responsible if it wasn't received.

Mrs G says British Gas has breached data protection.

Having listened to the call, only Mrs G's first name was disclosed rather than any of her other personal details, such as date of birth or bank details. And it is my understanding that the treasurer of the third-party was already aware Mrs G (and her husband) were living in the property, and already aware of their names. In fact, the treasurer also confirmed with British Gas that Mrs G (and her husband) could contact British Gas for engineer appointments if needed. So, I don't think they disclosed any personal information about Mrs G such as date of birth or bank details. And Mrs G hasn't outlined any detriment that she thinks was caused by this either.

Mrs G also says that British Gas hasn't complied with data processing rules, requirements and obligations, and should have completed data protection impact assessments, along with their privacy notices not being compliant. However, as explained by our investigator, we aren't the regulator of data protection. So, it is not our role to determine how British Gas operates more widely, or whether as an organisation it is complying with data protection rules, regulations and requirements. It is also not the role of this service to fine or punish a business where it has breached any of the rules or regulations it is required to follow. As outlined by our investigator if Mrs G remains concerned about British Gas' data protection policies and compliance, she'd need to approach the Information Commissioner's Office.

In resolution to her complaint, Mrs G has said to this service that she wants an apology from British Gas for what happened. Our investigator said British Gas had already done this. But Mrs G said she hasn't received any apologies from British Gas.

However, I can see the opening paragraph of Mrs G's final response from British Gas says:

"Please accept my apologies that the level of service you have experienced was not to the standard you were expecting."

And Mrs G provided this service with a copy of the final response, so it does appear she has received an apology from British Gas. And I think this is sufficient for what happened, so I won't be directing them to do anything further.

My final decision

It's my final decision that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs G to accept or reject my decision before 21 February 2024.

Callum Milne
Ombudsman