

## **The complaint**

Mr L complains Home Retail Group Card Services Limited trading as Argos Card (Argos) didn't have an item ready for collection and stored his card details.

## **What happened**

Mr L ordered an item for collection and paid with his Argos card. Mr L was told the item was ready for collection and he made a long trip to pick it up.

When Mr L arrived, the item wasn't ready for collection. Unhappy with this, Mr L complained.

Because Mr L's complaint involved the delivery of an item a different business than the regulated part of Argos responded. Mr L wasn't happy with the response and service he received and also complained about the storage of his bank card on the Argos app.

Argos responded to Mr L's complaint and said it had removed Mr L's card details. Argos said it stored the card details because Mr L hadn't unticked a box to stop the card details being automatically stored.

But Argos said it couldn't look into the complaint about the non-delivery of the item as this was the responsibility of another business.

Unhappy with this response, Mr L brought his complaint to this service. An investigator looked into things and didn't think they could consider Mr L's complaint.

The investigator thought all of Mr L's complaint was the responsibility of the other business, not Argos. Mr L disagreed and asked for an ombudsman to decide things.

## **My Provisional decision**

Mr L's first complaint, about the non-delivery of the item he ordered, isn't something I think I can consider.

I can consider complaints against business which fall under our compulsory or voluntary jurisdiction. Home Retail Group Card Services Limited trading as Argos Card falls under our compulsory jurisdiction.

But I don't think this regulated business is responsible for the delivery of the item, even though it was ordered through Mr L's Argos card.

I realise this can be confusing, Mr L ordered an item through Argos, as the retail business, and it wasn't delivered, Mr L thinks he should be able to complain about this.

But Argos, as the retail business, has several different individual businesses involved in ordering and delivering items. The regulated part of Argos is responsible for the card Mr L's been given, and any administration around this card.

But I don't think this regulated part of the business is responsible for the delivery of items. Instead, I think the part of Argos concerned with physical stores, which isn't regulated, is responsible for this.

I don't think I can consider any part of Mr L's complaint about the non-delivery of the item he ordered. This includes the inconvenience Mr L was caused by making a long, wasted journey and the subsequent poor service he feels he received when he complained.

But I think Mr L's second complaint, about the storage of his card details, is something Argos is responsible for. In Argos' final response it says it's removed the card details, and Mr L has confirmed this happened.

I've looked at what Argos says about storing the debit card details, and its explanation seems reasonable. When Mr L's paid using his debit card it appears he's not unticked a box, so the storage of his debit card happened automatically.

I don't think Argos made a mistake in storing Mr L's card details. But Mr L is allowed to ask for these details to be removed. Mr L asked, and Argos has removed the card details.

In the circumstances, I don't think there's more Argos needs to do to resolve Mr L's complaint around the storage of his card details.

### **Responses to my provisional decision**

Mr L responded to my provisional decision and said he felt the issue around his card being stored was resolved. But Mr L felt I'd not understood his complaint properly, and explained he was unhappy with the online ordering process.

Mr L also explained why it was very distressing for him to travel to a branch to collect an item which wasn't there, despite being told it was. Mr L felt he hasn't been properly compensated for this.

Mr L also said I'd ignored his problems with the service he received and the behaviour of the complaints team. Mr L felt I'd focussed on the card problems and not the core part of his complaint, the lack of item in branch and the handling of his subsequent complaint.

Argos didn't respond to my provisional decision and didn't necessarily need to.

### **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.

I think it'll be helpful to separate out the two businesses Mr L is complaining about, Argos as a regulated financial business and the physical, bricks and mortar, retail store.

When I refer to Argos in the following part of my decision, I only mean the provider of Mr L's card, not the retail store.

Argos is, I think, only responsible for one part of Mr L's complaint, whether it stored his card details unfairly. As I explained in my provisional decision, I don't think Argos treated Mr L unfairly here.

Following Mr L's responses, I still don't think Argos has treated him unfairly. And, in any event, Mr L's said he feels this part of his complaint was already resolved.

But I can't decide if the retail store has treated Mr L unfairly. The retail store isn't a regulated financial business, so I don't think I have the power to investigate a complaint against it.

It may be another ombudsman scheme could look into a complaint against the retail store. And Mr L could explore legal action against the retail store, although I'd recommend he looks into some free legal advice before this.

I think I've understood Mr L's complaint, he's very unhappy with the retail store. But since I don't think I can investigate a complaint against the retail store I can't comment on the actions of the retail store or whether it treated him fairly.

I'm not saying the retail store treated Mr L fairly, or unfairly, I don't think I can look further into Mr L's complaint against the retail store at all so can't comment either way.

And I don't think I can look into Mr L's complaint about the service he received when logging his complaint. Mr L's initial contact was with the retail store's complaint department. I think the responses, or lack of response, Mr L received was from the retail store.

I think the core parts of Mr L's complaint, the lack of his item to collect, a resultant wasted journey, the lack of adequate compensation for the wasted journey and poor complaint handling, are all the responsibility of the retail store.

As explained in my provisional decision, I don't think I have the power to investigate this further or decide anything relating to the actions of the retail store.

Despite what Mr L's said in response to my provisional decision, I still don't think I have the power.

I know this will come as a disappointment to Mr L, I can see how strongly he feels about the actions of the retail store. Mr L's sent in lots of evidence to support his complaint against the retail store, but this doesn't give me the power to look further into things.

Since I can't look into the actions of the retail store, I can't comment on its actions, compensation or subsequent complaint handling.

### **My final decision**

My final decision is I don't have the power to investigate, or decide, Mr L's complaint against the retail store.

And I think Argos has done enough to resolve Mr L's complaint about his card details being stored, so I don't uphold this part of his complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr L to accept or reject my decision before 23 November 2023.

Chris Russ  
**Ombudsman**