

The complaint

Mr H complains about the service he received from The Prudential Assurance Company Limited.

In summary, he says:

- Prudential carried out a search of his credit file and marked it as 'money laundering'.
- He didn't receive a Data Subject Access Request (DSAR) from Prudential's third parties despite making a request.
- A voicemail was left by Prudential the contents of which breached General Data Protection Regulation (GDPR).

What happened

One of our investigators considered the complaint but didn't think it should be upheld. In summary, she said:

- Prudential is aware that Mr H contacted some of its business partners asking about information held on him. But Prudential explained that it was responsible for dealing with any DSAR's.
- In the process of responding to the DSAR Prudential had to carry out a number of checks before they sent out the information, this included carrying out checks using a credit check system which checks for the presence of any money laundering flags or any adverse public data.
- The call was made to Mr H's personal mobile and a general voice message was left. She's unable to say that anyone else would've had access to this message.
- The third-party business didn't receive any information for Mr H as he doesn't have the ISA that it provides.

Mr H disagreed with the investigator's view and asked for an ombudsman's decision. He made no further points.

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 agree with the investigator's conclusions for much the same reasons. I'm not going to uphold this complaint.

On the face of the evidence, and on balance, despite what Mr H says, I'm unable to say that Prudential has behaved unreasonably by conducting a search of his credit file.

Prudential has made clear that it – not third-party data processors - is responsible, as data controller, for dealing with any DSAR activities. Whilst Prudential has been forthcoming in assisting Mr H and ensuring he receives information that he's requested, I also note that it made clear that it wasn't willing to engage in any further correspondence relating to this DSAR.

Just to make it clear, I'm not looking at whether Prudential is in breach of GDPR, that's beyond my remit. It might be worth Mr H directing any such complaints involving GDPR and its potential failings to the Information Commissioners Office (ICO) rather than to our service from the outset. I believe Mr H is now aware, or ought reasonably to be aware, of this having made a number of complaints to us involving GDPR issues and having received the same message.

I dealt with a previous complaint of Mr H against Prudential that wasn't upheld as I felt that the redress offered by Prudential for its shortcomings was broadly fair and reasonable. So I don't intend on addressing issues that have already been dealt with involving the delivery of documents.

Despite what Mr H says I don't think Prudential has behaved unreasonably by conducting a credit file check. I understand that it was undertaken to validate and verify his identity, which I believe Prudential as a financial business is entitled to do, and a lot of businesses do in response to requests to surrender investments or for information. So, this wasn't unique to Prudential.

In this instance the check was carried out using an administration system called "Call Credit". I understand businesses across the industry use this or similar systems in order to verify identity and ensure that there are no money laundering flags.

I appreciate that Mr H was alarmed by the mention of "money laundering" but I understand that the process was routine so Prudential could continue with responding to his DSAR and not because it thought he was involved in the offence of money laundering.

I understand that a voicemail was left on Mr H's mobile that he's unhappy about. I've seen nothing to suggest that any sensitive information was left, or that there was any risk of the voice message being intercepted in the way that a voice message left on a house phone might be. As I've said earlier it's not for me to determine whether or not this amounts to a breach of GDPR.

I understand Mr H didn't receive a response from a third-party business simply because he doesn't have an investment with it.

I appreciate Mr H will be unhappy I've reached the same conclusion as the investigator but in this instance, I don't think Prudential has behaved unreasonably.

My final decision

For the reasons set out above, I don't uphold this complaint and I make no award.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 5 August 2020.

Dara Islam
Ombudsman