

The complaint

Mrs L complains that British Gas Insurance Limited breached data protection laws by disclosing her personal information to a third party.

What happened

Mrs L has a HomeCare insurance policy with British Gas. In January 2020, she was expecting a call from a British Gas engineer to confirm an appointment for a boiler service the same day. Instead, the engineer mistakenly phoned Mrs L's ex-husband. During this call, the engineer disclosed Mrs L's current address to her ex-husband.

Mrs L complained to British Gas that it had breached data protection laws by disclosing her personal information. She also didn't understand why British Gas held her ex-husband's contact details on her account. Mrs L noted that, while her relationship with her ex-husband was amicable, the breach would have been much more serious in different circumstances; for example, if she didn't want him to know where she lived.

British Gas accepted that its service was poor and offered Mrs L £100 to apologise for the distress this caused her. Mrs L believed the offer was too low and complained to this service. She also wants assurance that this won't happen to her, or to anyone else, again.

Our investigator didn't recommend that Mrs L's complaint should be upheld. She acknowledged Mrs L's concerns, and that this incident caused her distress, but she considered British Gas's offer to be fair. She also explained that complaints about breaches of the General Data Protection Regulation (GDPR) should be directed to the Information Commissioner's Office (ICO).

Mrs L didn't agree with this, so the case was passed to me to make a final decision.

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 completely understand Mrs L's concern. I agree with her that businesses must be incredibly careful with the personal information they hold, particularly given the potential consequences of the situation Mrs L described.

However, it isn't this service's role to decide if British Gas has breached data protection laws. As our investigator explained, this is for the ICO to determine. I can only look at whether British Gas has acted fairly and, if it hasn't, whether Mrs L has suffered any detriment.

British Gas has accepted that it was at fault. Following this service's involvement, it investigated the incident further. It found that an inactive record for a different address, which included Mrs L's ex-husband's phone number, was linked to Mrs L's account. Its engineer mistakenly phoned this number when he was trying to call Mrs L. British Gas has confirmed that it has removed this information from Mrs L's account.

I accept that this incident caused Mrs L some distress. British Gas apologised for the error and offered Mrs L £100 to reflect the distress it had caused. Having considered Mrs L's specific circumstances, I think British Gas's offer is fair and in line with what I'd award.

My final decision

My final decision is that I don't uphold the complaint. I leave it to Mrs L to decide if she wants to accept British Gas Insurance Limited's offer of £100 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs L to accept or reject my decision before 18 January 2021.

Simon Begley
Ombudsman