

The complaint

Ms D has complained about TSB Bank plc, saying they didn't respond to a Subject Access Request (SAR).

What happened

This complaint is about a current account overdraft. The current account was opened in Ms D's name at her address in 2011. In 2014, the account entered its overdraft. It later defaulted. In January 2020, TSB sold the debt to a debt purchaser I'll refer to as "A". The debt purchaser (A) appointed a collections agency I'll refer to as "M".

In March 2020, Ms D made a subject access request to M, which was forwarded to A. As part of fulfilling their own SAR, A asked TSB for statements, which TSB then sent.

In 2021, Ms D complained to TSB, saying they hadn't answered her SAR. She had also disputed the debt with A, and wanted TSB to explain how the debt had arisen.

TSB explained they'd not received a SAR from her before. In response to her complaint, they logged her request and then completed the SAR within the required timeframe. They explained that the debt was a current account overdraft that hadn't been paid off.

Ms D came to our service. In the meantime, A wrote off the debt.

Our investigator looked into things independently and didn't uphold the complaint. They explained the debt had been written off so the dispute was over, and TSB hadn't received any SAR before Ms D's complaint in 2021.

Ms D asked for an ombudsman to look at things afresh. She wanted the businesses involved to be penalised. She pointed out that TSB had sent statements, which she felt proved they'd received a SAR. She forwarded emails she'd sent to M to make the SAR, which she felt showed she'd made a SAR to TSB. She asked for compensation.

The complaint's been passed to me to decide.

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.

In regard to the dispute, there's not much more that needs to be said. As far as I can see, this was a genuine account of Ms D's, with an overdraft which arose because more money was spent than was in the account. The new debt owner – A – have now written it off, and it seems both sides are satisfied with that. So there's nothing more TSB need to do there.

In regard to the SAR, I can understand if Ms D and her representative got mixed up about who they'd made the request to. But the SAR they sent was to M – an agent acting on behalf of A, the new debt owner. M was *not* working for TSB. TSB had already sold the debt to A.

I've looked at all of Ms D's correspondence, as well as A's contact history and TSB's contact history. And I can see that Ms D's 2020 SAR only went to M and A, not to TSB. The first SAR that TSB got was in Ms D's complaint in 2021.

As part of answering A's own SAR, A did ask TSB for some statements. And TSB sent the statements as requested. But A did not ask TSB to do a full SAR of their own.

Ms D pointed to a letter from A saying that A had asked TSB for information but not received it yet. That refers to the request for statements. TSB sent the statements after that letter.

Ms D felt that because TSB sent some statements, that must mean they received a SAR from her in 2020. But as above, TSB just sent the statements because they were asked to. Ms D's SAR in 2020 was made to M, working on behalf of A. Ms D's SAR in 2020 was not made to TSB. TSB didn't receive a subject access request until Ms D's complaint in 2021.

Once TSB got a SAR from Ms D in 2021, they fulfilled the request in good time.

I understand Ms D may be unhappy with other businesses involved, but this complaint is against TSB – not any other business. So in this decision, I can only consider what TSB did. And I have not found TSB to have done anything substantially wrong here. I would also clarify that we are not here to fine or punish businesses.

My final decision

For the reasons I've explained, I don't uphold Ms D's complaint about TSB Bank plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms D to accept or reject my decision before 3 March 2022.

Adam Charles
Ombudsman