

The complaint

Mr D on behalf of the estate of Mr D complains about how Barclays Bank UK PLC dealt with him and his personal data.

What happened

Mr D says he told Barclays that his father had passed away and that there were two credit card accounts to settle. He says Barclays sold the debts to a third-party company I will call "P" without his permission and that company contacted him. Mr D says Barclays should not have done so and have breached the General Data Protection Regulation (GDPR). He would like £3,000 compensation for what took place and would like Barclays to change the way in which it deals with this type of situation. Mr D is also unhappy at P's conduct and says he cancelled the two settlement cheques to Barclays as they had not been cashed but says the debts have now been settled.

Barclays says it presented the two cheques, but they were returned unpaid. It says its policy on a customer's bereavement is to pass any debt to P and says the debts were not sold. Barclays says it passed on Mr D's contact details so that P could correspond with him as he was acting on behalf of the estate.

Mr D brought his complaint to us and our investigator didn't uphold the complaint. The investigator explained to Mr D that we are not Barclays regulator and so can't direct it to change its business practice about this type of issue. And also explained that we can't order compensation to a third party such as Mr D when the complainant here is the estate of Mr D and not Mr D. The investigator didn't think the debt had been sold and didn't think Barclays had made a mistake.

Mr D doesn't accept that view and says Barclays should provide evidence it didn't sell the debt.

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 have come to the overall view that I don't uphold this complaint. I make clear to Mr D, as the investigator has already, that we are not Barclays regulator and so we can't order it or direct it to change its policy about passing debts to a third-party company as here. I can also see from the account terms and conditions that Barclays makes clear in them that it may transfer a credit card agreement to a third party with or without notice. So, I don't think Barclays has made a mistake or acted unfairly by passing the debts to P and I make clear that I'm satisfied that Barclays has told us it didn't sell the debt to it. In those circumstances I don't think Barclays can provide further evidence about the debt transfer or ought to prove it didn't sell the debt as Mr D suggests.

I'm satisfied that the main part of this complaint is about Barclays passing Mr D's correspondence information to P. And I'm also satisfied that is a complaint by Mr D in his

personal capacity and not a complaint on behalf of the estate of Mr D. It follows that I can't fairly consider that part of the complaint or order compensation be paid to Mr D as he would like.

Overall, I'm satisfied that Barclays was entitled to pass the debts of the estate of Mr D to P in line with account terms and conditions and have not seen any evidence the debts were sold. I hope Mr D appreciates what our role is in this complaint and why we can't consider any personal impact complaints by Mr D himself. I'm satisfied that the estate itself has not been affected in any event. I don't think Barclays has acted unfairly or made a mistake and can see that Mr D is pursuing any personal data breach with a separate organisation. I find this now brings an end to what we in trying to resolve this dispute informally can do.

My final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mr D to accept or reject my decision before 19 May 2022.

David Singh
Ombudsman