

## **The complaint**

Mr G held a credit card account with MBNA Limited. He complains that the secure e mail system used by MBNA is difficult to navigate because of his disability.

## **What happened**

Mr G holds a card account with MBNA.

MBNA were dealing with a complaint from Mr G about another matter. The complaint handler sent e mails to Mr G through the secure message system which meant that they were encrypted and needed Mr G to log into a portal to view.

Mr G complained to the MBNA about this. He said that as they were password protected, it made it difficult for him to open them.

MBNA responded to Mr G's complaint on 16 August 2021. They said that all emails are sent encrypted as it helps protect their own and the customer's information against cyberattack and they were unable to send emails unencrypted.

Mr G was unhappy with this response, and so he asked us to look into it. He said that he didn't think it was necessary to send e mails encrypted if they didn't contain any confidential information. He also said that secure messaging system was difficult to access and caused him distress as it takes him time to learn a new system. He has to repeat processes to get good at them and he is a slow learner. He doesn't have regular enough communication with MBNA to get to understand the system.

One of our investigators looked into Mr G's complaint. She thought that MBNA could do more to help, and she recommended that MBNA downgraded any e mails sent to Mr G to unsecure and put notes on his account to reflect that, so if staff needed to email him, they could follow the adjusted process.

Mr G was happy with the investigator's view, but he wanted a firm guarantee from MBNA that this would always be applied. The investigator told Mr G that we have a firm commitment from MBNA that they will do as we have recommended, and that they have marked his account accordingly but that a guarantee wouldn't be possible as the unsecure email process isn't automated and when there is a human intervention in a process, there is always the possibility of error. However, any error could be the subject of a complaint.

Mr G then asked that MBNA to appoint one person to take ownership of his casework and agree to pay him £1000 if there was any breach of the commitment regarding e mails.

As the investigator was unable to agree with this, the case came to me to review.

## **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 have upheld the complaint and I will explain my reasons below.

### Secure messaging system

I can understand why Mr G finds it difficult to use the secure messaging system, as it needs him to access a secure portal and use a passphrase each time he does so. Although this passphrase only has to be set once, it adds an extra step which for some people can be challenging. Mr G tells us that he is someone for who this additional step is challenging. I can also understand why Mr G feels that secure messaging is unnecessary when there is no confidential information in the email.

MBNA have explained to us that an email can be downgraded from confidential to unsecure with a manager's authorisation, and this enables it to be sent without using the secure messaging system. However, the e mail would need to be redacted removing any sensitive information.

I can see that Mr G doesn't think he has come across this secure messaging system when communicating with MBNA previously, and I also see that only some areas of the business use this system. So, I agree with the investigator that it is reasonable given Mr G's difficulties to ask MBNA to apply the option of downgrading Mr G's emails to unsecure on the infrequent occasions it is likely to be needed.

The content of any e mails sent unsecure will have to be fairly basic, and as suggested by the investigator, will likely only arrange a time for a call in which more sensitive matters can be discussed.

I note that Mr G still has other contact options available to him such as phone, live chat and he can also go into Lloyds branches for face to face service if needed. MBNA can also send information by post.

I have then considered the points Mr G has raised following the investigator's recommendation.

I can see why Mr G has found having a single point of contact at FOS helpful, but I don't think it is reasonable to ask MBNA to provide the same. At FOS we only deal with complaints, but there are many different parts of MBNA that may need to contact Mr G about his account, and it wouldn't be practical for all contact to be the responsibility of one person, and it could actually impair the service that Mr G receives if that person is not available. I consider it is a much more fail-safe system if the account is clearly marked for all staff to see the adjustment required and they can make timely contact with Mr G in the appropriate way.

In terms of Mr G's request for £1000 compensation for any breach of the agreed adjustment, I can't make any recommendation for something that hasn't happened as it's not in our remit. This service deals with complaints about events that have happened and assesses the impact on the customer of those events.

### **Putting things right**

MBNA should:

Apply clear notes to Mr G's customer records to reflect that as a reasonable adjustment, any contact with Mr G by e mail should be classified as unsecure and sent in accordance with MBNA's process.

**My final decision**

For the reasons I've explained, my decision is that I uphold Mr G's complaint about MBNA Limited and direct them to put things right as described above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 27 April 2022.

Joanne Ward  
**Ombudsman**