

The complaint

Mrs A complains that Lloyds Bank PLC (Lloyds) didn't process her Data Subject Access Request (DSAR).

What happened

Mrs A submitted a DSAR in February 2019. The DSAR documents were sent to Mrs A in June 2019 – but to her previous address. They were sent again in October 2019. Mrs A then complained that her bank statements weren't included in the DSAR response and asked for these. They were sent in February 2021.

Mrs A complained. She said Lloyds were too slow to provide the documents. She wanted the information to support her Mortgage Payment Protection Insurance (MPPI) claim. As a result, she couldn't progress it. She needed the bank statements to see if she paid MPPI premiums. The MPPI claims deadline had now passed. She said she'd chased Lloyds many times – and this was stressful and time-consuming. Because Lloyds hadn't responded, she had to go to the Information Commissioner's Office (ICO) to get Lloyds to deal with her request.

Lloyds apologised for the slow response. They paid compensation of £80 – being one amount of £30 in October 2019, and one amount of £50 in February 2021. During our investigation, Lloyds could not tell us why there had been a delay in providing the DSAR.

Mrs A brought her complaint to us. Our investigator said Lloyds hadn't acted fairly. Overall, it had taken from early 2019 to February 2021 for Mrs A to get the information she asked for. Mrs A said to us that she chased Lloyds many times – but Lloyds' notes didn't confirm that. While our investigator accepted that some of the delays were due to the pandemic, Lloyds should've have provided the information sooner. She recommended that Lloyds increase their compensation to £150 (to include the £80 already paid).

Mrs A didn't agree and asked that her complaint be looked at by an ombudsman. She said the payment of £30 wasn't linked to this complaint – it was because Lloyds didn't return her call.

I reached a provisional decision where I said:

The ICO's guidance is clear – that firms should respond to DSARs within 30 days. And here – this didn't happen. Firstly, Mrs A's DSAR in February 2019 took longer than 30 days – as I can see it was sent in June 2019 – but then to the wrong address. And it was then resent to the correct address in October 2019. So that was much more than 30 days. I can see from Lloyds' notes that they paid compensation of £30 for that.

Mrs A then asked that her bank statements be included in the DSAR – and raised another request in October 2019. It's not clear from Lloyds' notes why it then took so long to provide those – they were eventually sent in February 2021. In the meantime, Mrs A had contacted the ICO who wrote to Lloyds. We asked Lloyds what happened and why that took so long – but they can't tell us – other than the pandemic cause some delays. Mrs A

says she chased and called Lloyds several times - but Lloyds can't evidence any calls or correspondence. Neither can Mrs A – as she said she had changed her phone and number since then. In February 2021, Lloyds apologised and paid a further £50 in compensation – making a total of £80.

So – we have a situation here where it's just not clear why the delays occurred, or what communications took place between Lloyds and Mrs A. And in circumstances like this, I must make a decision based on the probability of what likely happened. Mrs A has provided us with a timeline of her contacts with Lloyds between February 2019 and February 2021. These include several calls and letters between Mrs A and Lloyds, and two branch visits to provide ID. I don't doubt that these took place – but Lloyds have few records of the same contacts.

But in summary – Lloyds took eight months to complete Mrs A's DSAR – which is very clearly too long. And then – took a further 15 months to provide Mrs A's statements - which again is clearly too long. I've considered the effects of the pandemic – during which it's accepted that firms took longer to respond to information requests such as Mrs A's – but the effects of the pandemic ran from March 2020, and that can't explain the extent of the delays here.

Turning to the effect of this on Mrs A – she says it caused her MPPI claim not to proceed – because she needed the information to establish if she was paying an MPPI premium. PPI claims closed on 29 August 2019. So - if Lloyds had provided the DSAR within 30 days of it being requested in February 2019 (as they should have) – then Mrs A could have possibly used the information in her MPPI claim. But also - I can see that Lloyds wrote to Mrs A in July 2020 to say that they couldn't trace her having MPPI. I have also looked at Mrs A's bank statements for the period between February 2019 and October 2019 – and there isn't evidence of a MPPI premium being paid from it. And - Mrs A hasn't brought forward anything from her DSAR which might support a MPPI claim – such as evidence of a premium being paid, or a MPPI policy being in existence. So – I'm not persuaded that there was an effect on a potential MPPI claim.

Turning to the matter of compensation. Mrs A has already received £80: £30 was paid in October 2019 (and I can confirm it was for the delay in the DSAR). A further £50 was paid in February 2021. Our service has established criteria for deciding on levels of compensation.

An award between £100 and £300 might be suitable where there have been repeated small errors, or a larger single mistake, requiring a reasonable effort to sort out. Typically, the business's actions could have resulted in some acute stress lasting hours at the lower end – or a have had a milder impact across a longer period.. I think that what happened to Mrs A falls into this definition – and I think that given the extent of the delays here, an amount at the upper end of this scale is appropriate – so £300, of which £80 has already been paid.

I emphasise that this is a provisional decision and is subject to any comments that Lloyds and Mrs A may have. There is a lack of evidence here – and if Lloyds can provide some evidence in their favour then I will review it.

Responses to the provisional decision:

Lloyds agreed with the findings and the payment of additional compensation. Mrs A responded and made the point that she had to contact the ICO to get Lloyds to respond – and this should be taken into account.

I now need to consider these points and 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 hear what Mrs A had said to us – but I consider the inconvenience of Mrs A having to contact the ICO as being covered by the award of £300. In the circumstances of Mrs A's complaint, I think this is the right amount of money to be paid.

My final decision

I uphold this complaint. And Lloyds Bank PLC must:

- Pay compensation of £220 to Mrs A – in addition to the £80 already paid.

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

Martin Lord
Ombudsman