

The complaint

Mr S complains that he has suffered distress and a loss of faith in Scottish Widows Limited ("Scottish Widows") in relation to him receiving personal information relating to another customer in a letter sent to him.

What happened

Mr S received a letter in the post from Scottish Widows dated 29 October 2021 regarding a complaint he had raised with them. The envelope containing this letter also included details of another customer's complaint and personal information relating to this customer.

Mr S then raised a further complaint with Scottish Widows claiming that he felt there had been a breach of confidentiality and data protection. Mr S said he was concerned that his data and security may have also been breached and that he had lost faith in Scottish Widows and their ability to look after his information properly.

Following the complaint, Scottish Widows wrote to Mr S to say that the complaint had been investigated and that they agreed with Mr S and wanted to put things right. Scottish Widows paid £100 to Mr S for the distress and inconvenience caused. They also explained that the error had occurred when a colleague had printed papers intended to be sent to Mr S and collected a stack of papers from a printer which included Mr S's letter and the information of another customer.

In responding to the complaint, Scottish Widows also apologised and told Mr S that a breach had been raised in connection with the matter. They told Mr S that there was nothing to suggest that the personal data of Mr S had been breached.

Mr S said that he was concerned about the data breach and that he was aware that £500 had been offered to the party whose data was sent to Mr S. Mr S said he felt Scottish Widows should offer the same amount to him and that he wasn't happy with the offer of £100.

Our Investigator's view was that:

- Scottish Widows accept that another customer's letter was sent to Mr S in error and that this letter contained personal information
- The data breach was recorded and reported and feedback was provided to the complaint handler to prevent this from happening again
- Scottish Widows had failed in their duty of care to all of their customers to ensure that personal information and data is protected
- There was no evidence to support that Mr S's data had been shared with a third party or that it had been breached in any way.
- The apology and the compensation amount offered by Scottish Widows was fair and

reasonable in the circumstances

- It was not unreasonable for Scottish Widows to offer a higher amount of compensation to the party whose data was breached
- Scottish Widows have done what can be expected of them in this situation

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, and considered the view given by our investigator, I have reached the same conclusion and will not be upholding Mr S's complaint.

I have carefully considered what Mr S has said and have looked at the correspondence as well as Mr S's response to the investigator's view. Whilst I appreciate Mr S feels as though this is a serious breach and that Scottish Widows offer of compensation is not adequate, my view is that the complaint in relation to the data breach was thoroughly investigated and dealt with.

Scottish Widows have advised that the complaint has been looked into as well as the processing errors which lead to the breach. They have said that they would raise an investigation internally to look at the extent of the breach and to prevent something similar from happening in the future. Scottish Widows have also said that there is no reason to think that Mr S's data was breached in the same or any other way.

I think this action is proportionate to the seriousness of the breach and is reasonable given the incident itself and the risks posed to Mr S and other customers of Scottish Widows.

Mr S has also said that he considers it reasonable for him to receive the same level of compensation as that awarded to the individual whose data was sent to Mr S. I do not agree with this position. Whilst the incident may have raised concerns for Mr S in relation to the security of his personal data, the customer whose data was actually breached should be treated in a different way given that they have been affected differently. The concerns Mr S may have had about his own data have been investigated by Scottish Widows and the compensation offered is I think a fair amount given how he has been affected by the incident. I do not see any reason as to why a higher level of compensation should be offered.

Finally, I would repeat the point made by the Investigator that the Financial Ombudsman does not have the power to issue fines or other penalties to companies like Scottish Widows for breaches of personal data.

My final decision

For the reasons explained above, I do not uphold Mr S's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 14 February 2023.

Rana Chatterjee

Ombudsman