

## **The complaint**

Mr R complains about the way Nationwide Building Society dealt with his data rights requests.

## **What happened**

Mr R complained about the sale of his income protection policy. He also complained about the way Nationwide handled subsequent requests he'd made for information in line with his data rights – that included a subject access request (SAR).

Nationwide acknowledged it could have done more to provide Mr R with the information he'd requested in a timely manner and offered a total of £300 compensation to recognise the inconvenience caused.

Mr R remained unhappy with the way Nationwide had handled matters though, and he said it still hadn't provided him with everything he had asked for. So, Mr R referred his complaint to this service.

Our investigator looked at what had happened and said Mr R had made relatively straight forward requests which Nationwide could have actioned sooner. Our investigator recognised that Nationwide's actions, or lack thereof, had caused Mr R considerable upset and significant inconvenience, and they recommended it paid £400 compensation (less any compensation already paid) to reflect that.

Nationwide agreed with our investigator's opinion, but Mr R did not. He said the compensation recommended was derisory and ridiculous considering the number of hours he had spent on the matter, and it was much less than what a court would award too. Mr R said the actions of Nationwide had clearly been deliberate, obstructive, and dishonest. And he said he had been caused him much stress and anguish.

As no agreement was reached on the amount of compensation warranted in this complaint, the matter was 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.

For the reason I'll now explain, I will be upholding Mr R's complaint:

- I do not see the need to recite Nationwide's individual failings here. Nationwide did not disagree with what our investigator identified, and it has already acknowledged that it could have done more. However, for the avoidance of doubt I too agree that Nationwide could and should have done more following Mr R's requests for information.
- Mr R says Nationwide's failings were a deliberate attempt at obstruction. I appreciate

the understandable frustration Mr R has, but other than his testimony I haven't seen any evidence to corroborate that Nationwide deliberately tried to obstruct him.

- Mr R has set out why he thinks more than £400 in compensation is warranted. As part of doing so, he has explained his understanding of the way in which a court would calculate such an award. I have no reason to doubt that Nationwide's failings had a negative impact on Mr R, and I agree compensation is warranted. But this service is not a court and I will not be basing the amount I award on the way in which Mr R says a court would calculate it.
- Any award I make will be done so with the intention of it being a fair and proportionate reflection of the impact Nationwide's failings had on Mr R. Thinking about that here I note:
  - Mr R had to wait much longer than he should have done to get the information he requested from Nationwide. I don't consider the requests he made to have been particularly unusual or complex, and I think Nationwide should have been able to deal with them much more quickly than it did.
  - Mr R had to make a number of attempts to get information and updates from Nationwide. This was over a prolonged period of time, and disappointingly many of his attempts at contacting Nationwide went unanswered.
  - Mr R had to deal with incorrect information about what Nationwide could provide to him. He was often frustrated by a number of Nationwide's actions too, and all of the above would have both added to and increased the impact being experienced by Mr R at the time.
- I understand that Nationwide has already provided some compensation, but I don't think that collectively that amount is enough. I too am persuaded that Nationwide should increase its total offering. It caused Mr R unnecessary frustration, inconvenience and upset, and for the reasons given above I too think a total amount of £400 represents a fair and proportionate reflection of the impact of Nationwide's failings.

### **Putting things right**

Nationwide Building Society should put things right by paying Mr R a total amount of £400 in compensation. That amount will be less any amounts it has already paid to him in compensation.

### **My final decision**

My final decision is that I uphold this complaint. Nationwide Building Society should put things right in the way I have set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 21 July 2022.

Jade Alexander  
**Ombudsman**