

The complaint

Mrs B complains about BUPA Insurance Limited's actions when renewing her policy.

What happened

Mrs B has a private medical insurance policy with BUPA. Following a renewal notification she contacted it to ask for some medical exclusions to be removed. And BUPA explained it would send a form to Mrs B, which she would then need to pass to her GP for completion.

Rather than sending that form to Mrs B, BUPA sent it to her ex-husband.

Mrs B complained about what had happened. She said her ex-husband contacted her to say he'd received the above form, and had accused her of trying to cover herself under his policy and being the reason for his premiums increasing. Mrs B wanted to know what had happened. And when she received a copy of what BUPA had incorrectly sent to her ex-husband she said she was horrified to realise that sensitive details about her medical conditions had been disclosed to him.

BUPA explained that one of its advisors had input the wrong address and apologised for the significant upset that had caused. It also sent Mrs B £600 in compensation, confirmed it had raised the issue as an internal incident, and fed the issue back to the advisor's manager too.

Our investigator thought £600 was a fair reflection of the breach but not a full reflection of the impact of it on Mrs B. So they recommended BUPA increase its £600 to £850.

BUPA agreed, but Mrs B did not. She said the amount of distress and bad feeling caused by BUPA could not be underestimated. She said she'd lost faith in BUPA's ability to keep her data safe, and the disclosure of her medical conditions which sometimes had stigma attached to them was devastating. Mrs B also set out that an amount closer to £1,500 would better reflect what had happened to her. And so as no agreement was reached 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.

Having done so I am upholding Mrs B's complaint for similar reasons to that of the investigator before me. Let me explain why.

That information was incorrectly sent to Mrs B's ex-husband isn't disputed. BUPA's mistake was caused by human error rather than a system failure and I'm pleased it has taken steps to try and prevent something similar happening again. I know Mrs B remains concerned about this, but I think BUPA has tried to reassure her by:

- Raising the issue as an internal incident to generate an internal review.

- Providing feedback to the advisor's manager.
- Ensuring all relevant training had taken place for the advisor.
- Ensuring the advisor understood the importance of double-checking documents before posting them.

What still remains in dispute is the amount of compensation that BUPA should pay in order to fully reflect the impact of the mistake on Mrs B. While I too agree that the £600 BUPA paid was a fair reflection of the serious nature of its mistake, I don't think the £600 fully encompasses the impact this had on Mrs B either.

Mrs B has set out that impact as follows and I thank her for taking the time to do so:

- She might not have been so upset had her personal information been sent to someone else. But it was sent to her ex-husband which meant both he and his new partner had seen it.
- The amount of distress and bad feeling that had been caused could not be underestimated. It was not just humiliation and embarrassment that she experienced, but she was devastated by what had happened and it had resurfaced her feelings about the separation too.
- She had lost faith in BUPA and hadn't asked her GP to share any further details about her medical conditions because she was scared BUPA might share that with the wrong person too.

Compensation is designed to be a fair and proportionate reflection of the impact a business's mistake has had on someone. It is not designed to punish a business.

Given what was shared and with whom, I fully empathise with Mrs B's situation and understand why she feels the way she does about it. And in view of the impact she's kindly shared I agree that an increase of £250 (taking BUPA's total compensation amount to £850) is a fair and proportionate reflection of the impact of BUPA's mistake.

I know Mrs B has said that an amount closer to £1,500 would be a fairer reflection, but I think such an amount would feel disproportionate here. I hasten to add that I don't say this in any way to detract from what did happen.

Putting things right

To put things right BUPA should pay an additional £250 to take its overall compensation amount to £850.

My final decision

My final decision is that I uphold this complaint. BUPA Insurance Limited 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 Mrs B to accept or reject my decision before 7 December 2022.

Jade Alexander
Ombudsman