

## **The complaint**

Mr P complains about the issues he has experienced when trying to obtain information as part of a data subject access request (DSAR) from Barclays Bank UK PLC (Barclays).

## **What happened**

Mr P initially requested a DSAR in person in August 2020 during a branch visit, where he felt there may be some inaccuracies in the information Barclays held. His request was for all relevant information including emails, system notes and calls.

During the same visit he also raised a complaint about another matter. The staff member at the branch told Mr P that she would raise the DSAR request on his behalf and would write to him regarding his complaint.

Having allowed extra time for the letter and the information he requested to arrive, due to the Covid-19 pandemic, he decided to chase Barclays in November 2020. He initially did this by emailing the branch staff member. When he received no reply, in March 2021, he emailed Barclays Chief Executive Officer (CEO). He received an acknowledgement but no formal reply.

He later emailed the CEO again in June 2021 before bringing his complaint to this service.

Through various back-and-forth exchanges it transpired Barclays had responded to Mr P's initial complaint and his March 2021 email by letter. However, Mr P had never received these, so was unaware of what had been happening. He was further confused as later correspondence referred him back to these letters even though it was clear from his actions of chasing answers that he had never received them. It was also made clear that the DSAR request had not been registered and actioned.

Barclays issued a final response letter on 5 July 2021 upholding Mr P's complaint and offered £400 in compensation for this. They also logged a DSAR request to provide him with the information he'd asked for. Mr P still wanted our involvement as he didn't feel this resolved things for him.

Our investigator upheld Mr P's complaint, in summary she said:

Barclays failure to act on Mr P's DSAR request when he visited the branch had caused significant delays. And although Barclays had upheld Mr P's complaint and awarded £400 for its failings, there had been further issues since they issued their final response that stemmed from the same issue and so she had decided to consider those as part of this complaint.

Mr P had asked for the information to be adapted for him to large font, before being sent, as part of a reasonable adjustment, as he has failing eyesight. Barclays had provided three batches of information, in July, November and December 2021. The first two batches weren't adapted at all, but as they were sent before 25 November 2021, when Barclays say they were aware of Mr P's accessibility needs, she didn't think Barclays had acted unfairly here.

The third batch had been adapted but not to the specification Mr P had asked for and so didn't meet his needs. There was also information missing as no call recordings were sent to Mr P even though he had specifically requested these.

To put things right the investigator suggested Barclays:

- Pay Mr P a further £250 bringing the compensation total to £650.
- Call Mr P at a mutually agreed time to discuss the requirements of his DSAR- and raise a new request in accordance with this
- Make every effort to ensure all future communication with Mr P is in large font.

Barclays accepted the investigator's findings.

Mr P did not accept her findings – I've summarised his points:

- he raised the issue of needing large font in August 2021, and that Barclays continued to send him correspondence in regular fonts even after 25 November 2021, when they say they were aware
- he felt the original £400 compensation was for data protection failures
- he considered the additional £250 to be significantly lower than average compensation for DSAR breaches, and he felt that there were numerous aggravating factors in his case based on Barclays repeat failings
- he was willing to accept £500 in addition to the original £400 if Barclays would agree and settle within 14 days

Shortly after the investigator issued her findings the case was reallocated to another investigator. He initially tried to mediate the outcome between Barclays and Mr P. He had seen that since the original investigator's findings Mr P had raised a further complaint with Barclays in May 2022, stemming from the same issue and they had awarded £150. This brought the amount Barclays had already agreed to up to £800 and he suggested they increase this to £1000. Mr P agreed on the condition it was settled within seven days. Barclays didn't agree, they didn't believe an increase was warranted. So, the investigator issued more detailed findings. He included the May 2022 complaint as part of this one.

In summary his findings were:

The previous investigator's findings of delays, failure to include relevant information and failure to adapt the information included in the DSAR were accepted by Barclays as was the award of £250 (in addition to the £400 already paid).

The £400 already paid was not in relation to a data breach it was related to the DSAR request. Although Mr P had thought there had been a data breach because statements had been sent to his son's address, this wasn't the case as the account the statements were for was a joint account with Mr P and his son.

Barclays had also accepted further failings in their final response letter of May 2022 and agreed to a further £150 compensation for the same issues.

Mr P had approached Barclays again in July 2022 following the receipt of the new DSAR, saying much of the information was too small for him to read and he still hadn't received any

call recordings. Barclays had responded to this telling him they had sent them “tracked delivery” through the postal service and that he should contact the postal service. The investigator didn’t think this was fair and thought it was Barclays responsibility to either contact the postal service to pursue delivery or resend the calls to Mr P. He felt this was poor service from Barclays and exacerbated Mr P’s frustrations.

He considered extracts of the information sent to Mr P under the latest DSAR request. He found there were some things Barclays could have increased font size on but hadn’t, and there were some documents where he agreed the font size was out of Barclays control, such as screenshots of their systems. Mr P had said the Information Commissioner’s Office (ICO) require DSAR’s to be sent in chronological order. The investigator said he had not been able to find any reference to this on the ICO’s website nor from speaking to subject matter experts at this service and so he couldn’t say Barclays had done anything wrong by not sending information in that way.

Overall to put things right he suggested that in addition to the £400 already paid, Barclays should compensate Mr P a further £600 in total, including £250 agreed to with original investigator and £150 offered in May 2022, bringing the total compensation to £1,000.

Mr P didn’t agree. He reiterated previous points in argument to the findings.

Barclays did agree but wanted to deduct two payments of £75 they had paid on other complaints Mr P had made to them, separate to those mentioned above.

The investigator put Barclays offer to Mr P, but he said he felt the two £75 awards were unrelated to this complaint and Barclays should now have to pay more than the £1,000 total, recommended by the investigator.

The matter has now been 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.

I realise that I’ve summarised this complaint in less detail than the parties and I’ve done so using my own words. I’ve concentrated on what I consider to be the key issues. The rules that govern this service allow me to do so. But this doesn’t mean that I’ve not considered everything that both parties have given to me. And although I’ve read and considered the whole file, I’ll keep my comments to what I think is relevant. If I don’t comment on a specific point, it’s not because I haven’t considered it but because I don’t think I need to comment on it in order to reach the right outcome.

There is no dispute here between the parties about what has gone wrong, both investigators have explained this in detail in their findings and I see no benefit in doing so again here. In the main all that’s left here to be settled is the compensation amount.

However, before moving on to compensation, I’d like to point out, it’s not clear at this stage if Mr P has since received the call recordings, so I think it would be fair for Barclays to check with Mr P if he now has all of the information he requested under the DSAR – and if not make sure they provide any outstanding information to him, in an accessible format (where possible).

### **Compensation**

It's clear that Mr P has been hugely frustrated by the lengthily process he has gone through to be able to obtain his information in an accessible format. And there have been repeated errors, of the same nature from Barclays which has compounded issues.

In essence both parties have agreed at different stages to the compensation the investigator suggested. Mr P agreed to £1,000 when the investigator tried to mediate, with one of the conditions being that it was settled in seven days. And Barclays agreeing much later but wanting to make deductions for other payments made, not related to the complaints considered under this case reference as mentioned above.

I know Mr P feels that Barclays should pay more but my role is not to punish the business but to fairly assess the impact the mistakes made by Barclays have had on him and to recommend a fair compensation amount for this. Overall, taking into account all of the mistakes made and the frustration caused by them I think £1,000 is a fair reflection of the impact caused to Mr P, so I'm not going to recommend Barclays pay more. Having said that, I don't think it's fair for Barclays to deduct money paid to Mr P in relation to other complaints that this service hasn't considered, under this complaint reference.

### **Putting things right**

To put things right Barclays should now:

- Pay Mr P £1,000 compensation for the errors made in relation to his DSAR request. They are entitled to deduct any money already paid to him in relation to the complaints mentioned in this decision. But cannot deduct the two payments of £75 made to him under separate complaints, not considered under this complaint reference number.
- Ensure Mr P has received all of the information, in the correct format (where possible), he requested as part of the DSAR, including call recordings. They should make sure he is provided with anything that is missing from this.
- Ensure that future correspondence is provided to Mr P in a format that is accessible to him as he has requested.

### **My final decision**

My final decision is I uphold Mr P's complaint about Barclays Bank UK PLC.

I now require Barclays to put things right as explained above.

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

Amber Mortimer  
**Ombudsman**