

The complaint

Mrs A has complained that National Westminster Bank Plc (NatWest) disclosed personal and sensitive information about her, and the affect this had.

What happened

Mrs A was living at her mortgaged address with her children having separated from her partner. Having missed mortgage payments Mrs A was being evicted from her home so moved to stay at a friend's home with her children.

Due to domestic issues Mrs A did not want her ex-partner to know where she was living and had explained this to the bank.

Mrs A later received a call from a NatWest branch and was asked several questions that included her current address information. Mrs A answered the questions and has told us she then realised her ex-partner was in the background at the branch. Mrs A immediately ended the call.

Mrs A also made a subject access request from NatWest that was incorrectly sent to her old address, where at the time her ex-partner was living. Mrs A's ex-partner saw the information that was meant for her which included information about the domestic issues she had experienced.

Mrs A has further explained that her ex-partner had previously verbally agreed to leave the mortgaged property to Mrs A and walk away taking nothing for himself. But after realising Mrs A had shared information about their domestic issues with NatWest decided he would no longer give up the property.

NatWest apologised to Mrs A and offered her £300 compensation for the errors it had made.

One of our Investigator's considered Mrs A's complaint, and thought the errors made by NatWest were significant and that NatWest should increase its compensation offer to £3,000. After some discussion NatWest agreed to pay Mrs A the £3,000 that had been suggested.

Mrs A explained that she was not willing to accept £3,000 as a resolution to her complaint as this amount did not reflect her loss as she would now need to pay legal costs to recover the property from her ex-partner, an amount she wouldn't have had to pay had it not been for NatWest sending her information to the incorrect address. Mrs A estimated that this could cost up to £7,500.

As Mrs A disagreed with the resolution suggested by our Investigator this complaint has 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.

NatWest has not disputed the errors Mrs A claims it made in releasing personal information about her, and that releasing this information amplified the amount of stress Mrs A was under. It's very clear that this had a very serious impact on her at what was already a difficult time.

Mrs A has explained she moved in with a friend following being evicted from her family home. When her ex-partner found out where she was staying, following her address being released during a call with NatWest, she moved to a family member's home where she had to stay in a single room with her two children.

I understand the steps Mrs A took to feel safe following the release of her personal information. That will have caused her some considerable inconvenience. This is alongside the significant distress, worry and upset that she has told us about too. The starting point here is that any compensation that NatWest should pay should be proportionate to that. In my view the amount NatWest has agreed to pay her in compensation is significant and in line with what I would have asked it to pay her if it had not previously agreed to do so.

I realise that Mrs A thinks NatWest should pay more. But this service is impartial and we have to consider both sides of a complaint. In the circumstances here – I don't think it's possible to know what Mrs A's partner's actions would have been had he not seen the information released by NatWest. I have not seen any evidence of a written agreement being made at any time for example.

From the information available it appears Mrs A's relationship with her ex-partner was difficult and there was no guarantee that the rights to their family home would not have needed to be decided in a court setting even without the information being released.

However, this does not take away from the ordeal Mrs A experienced because of the errors made by NatWest. As a service we are not designed to punish a business for errors it makes or to enforce penalties. Instead, our role is to look at what's fair and reasonable in all the circumstances of a complaint and, in my view, the £3,000 award our Investigator suggested and NatWest agreed to is significant. I think it fairly compensates Mrs A for the impact NatWest's errors had on Mrs A.

Putting things right

If it hasn't already, National Westminster Bank Plc should now pay Mrs A £3,000 compensation for the impact the errors it made had on her.

My final decision

I uphold this complaint and require National Westminster Bank Plc to put things right by paying Mrs A the compensation outlined above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs A to accept or reject my decision before 13 January 2023.

Terry Woodham
Ombudsman