

The complaint

Mr V complains Sainsbury's Bank Plc sent his Data Subject Access Request (DSAR) in an unprotected format via email rather than through an online portal with a passphrase.

What happened

On 21 February 2022 Mr V made a DSAR.

Sainsbury's responded in March 2022 saying the information was available via the portal and that Mr V could access this with the passphrase included within the letter. However, Mr V's DSAR was sent to him directly via email and the zip attachment with the PDF was not protected.

Sainsbury's admitted their error which they said was due to an IT issue. In recognition of the inconvenience and upset caused, it offered £75. Our investigator thought the offer was fair in the circumstances and didn't ask Sainsbury's to do anything further.

Mr V didn't agree. Because of this, the case 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.

Clearly there has been an error here. Sainsbury's have accepted it sent Mr V information without it being password protected when it should have been. We aren't the regulator so it's not for me to punish Sainsbury's but I've considered the impact Sainsbury's' mistake has had on Mr V in order to determine whether Sainsbury's need to do anything further.

Mr V is concerned his information has been on servers and caches around the globe and could be subject to being stolen. He says although no event has arisen immediately or within a few months of this incident he says it doesn't mean an event may not arise in the future.

Whilst I understand Mr V's concerns and strength of feeling on the matter, it wouldn't be fair for me to ask Sainsbury's to compensate him for something that could potentially happen. And as it stands at the moment, it doesn't seem that anything untoward has happened as a result of the email Sainsbury's sent to Mr V. So I don't think Sainsbury's need to do anything further with regards to this.

Mr V is dissatisfied with the lack of detail provided by Sainsbury's which explained how the error occurred. I appreciate he would like to understand this more, but I think Sainsbury's have already provided an explanation and I wouldn't expect them to tell us anymore because it may be sensitive in relation to their business processes.

I can appreciate that this has been a worrying time for Mr V because of the sensitive information that was disclosed without being password protected. However, I have taken into account that the information was sent directly to Mr V as the intended recipient and that he

was the one who correctly received this information. It doesn't seem that this has caused any further issues for Mr V or that anything untoward has happened because of the unprotected information sent by Sainsbury's. Because of this I think that the offer of £75 is fair in the circumstances and I won't be asking Sainsbury's to do anything further.

My final decision

Sainsbury's has already made an offer to pay £75 to settle the complaint and I think this offer is fair in all the circumstances.

So my decision is that Sainsbury's Bank Plc should pay £75.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr V to accept or reject my decision before 22 December 2022.

Marie Camenzuli

Ombudsman