

The complaint

Mrs L is complaining about the way HSBC Life (UK) Limited handled her data subject access request (DSAR).

What happened

In early July 2021, Mrs L asked HSBC Life to send her all the documents they held in relation to her and her husband. HSBC Life sent a bundle of documents to her within a month, in early August 2021, but when Mrs L looked through them, she noticed that there were some documents missing.

Mrs L contacted HSBC Life and complained. Initially HSBC Life misunderstood her complaint and their response assumed she was complaining that they'd taken too long to provide the documents. So, they said they'd done nothing wrong as they'd sent the documents within the calendar month allowed by the Information Commissioner's Office (ICO). But when Mrs L clarified that her complaint was about the missing information HSBC Life sent it within a few days. They also offered Mrs L £150 to apologise.

Mrs L was very upset. She said £150 was nowhere near enough to compensate her for the amount of stress and upset the matter had caused her. She complained to the ICO, and to our service. The ICO upheld Mrs L's complaint and said HSBC Life needed to send any outstanding information to Mrs L. But they said Mrs L would need to go to an ombudsman or other regulatory body if she was seeking compensation.

Mrs L brought her complaint to our service and our investigator looked into things. She said she thought £150 was enough to compensate Mrs L for the inconvenience and upset HSBC Life caused. Mrs L disagreed and asked for an ombudsman's decision – so it's come to me.

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.

Although I'm aware it'll be disappointing for Mrs L, I'm not going to ask HSBC Life to do any more than pay the £150 they've offered. I'll explain why.

What went wrong

There's no question that things went wrong in this process. Firstly, HSBC Life missed some of the documents when sending the DSAR bundle to Mrs L. And secondly, they misunderstood Mrs L's complaint which delayed the documents by a further few days.

Although HSBC Life took longer to deal with Mrs L's complaint than she'd have liked, the Financial Conduct Authority's regulations allow a firm up to eight weeks to respond a consumer's complaint. I can see Mrs L thought she'd raised a complaint on 4 August 2021 but HSBC Life have no record of this. They raised the complaint on 19 August, and sent their

response within the eight weeks allowed. So although I appreciate Mrs L was very frustrated by the timescales, I can't say HSBC Life took too long to deal with the complaint.

Impact and compensation

As our investigator explained, our role is not to punish businesses, but to decide what's a reasonable amount of compensation to reflect the scale of an error and its impact on the consumer. From the calls and emails between Mrs L and HSBC Life, it's clear that Mrs L was very frustrated by this process. But the omission of a few documents from a very large bundle is a fairly small, one-off error. The documents ended up being delayed by about two months.

I can't see why the two-month delay would have had a particular impact on Mrs L – she didn't tell HSBC Life why there was any urgency in receiving the documents – only that she was very angry that it was taking so long. Clearly it was inconvenient for her to have to chase the matter up with HSBC Life, and it's fair to expect that Mrs L would be frustrated with that. But I'm satisfied that £150 is an appropriate amount to compensate Mrs L for the inconvenience and upset the delays caused.

Because Mrs L rejected HSBC Life's offer, they haven't yet paid her the £150. So I'm now asking HSBC Life to pay this amount to Mrs L.

My final decision

As I've explained above, my final decision is that HSBC Life (UK) Ltd should pay £150 to Mrs L to compensate her for the upset and inconvenience they caused her.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs L to accept or reject my decision before 1 December 2022.

Clare King
Ombudsman