

## **The complaint**

Mr C complains that he'd been clear when speaking to Lloyds Bank PLC that information about a mortgage application in his sole name was highly sensitive, and must remain confidential. But he said Lloyds told his wife about the application.

## **What happened**

Mr C told us he had visited Lloyds to find out how much he could borrow to buy a property. He said he'd been very clear with Lloyds that it was only to contact him, and only using the mobile number he gave it. But he said that on 12 October 2021, someone from Lloyds called his home number and disclosed information to his wife about his mortgage application.

Mr C said this caused great distress at the time, as his wife had known nothing about this. And it had an ongoing effect on the couple's relationship. Mr C said he'd complained about this to Lloyds, and he'd also made a subject access request ("SAR") asking for all data relevant to this complaint, including the audio recording of the call. He said he'd received no data from his SAR, and no response to his complaint.

Mr C told us about the effect this was still having on him and his wife. He wanted Lloyds to pay compensation.

Lloyds said it hadn't yet replied to Mr C's complaint, because when it contacted him he didn't want to give out the personal information it asked for, to confirm his ID. It wrote to him after his complaint had been received by our service.

When Lloyds wrote to Mr C about his complaint, it said Mr C had confirmed the call wasn't from the mortgage advisor who had assisted him, but directly from Lloyds. Mrs C had said someone called her about her mortgage, which is also with Lloyds, and that person told her there was another mortgage application for the property. But Lloyds said it hadn't been able to trace any calls to Mr C's landline on 12 October 2021. And it couldn't see any evidence to suggest it spoke to Mrs C about Mr C's sole mortgage enquiry.

Lloyds said no property was discussed as part of Mr C's application, and no property was added to the information for his possible mortgage. It also said if Mr C's wife was contacted about her mortgage, then that would be done by the mortgage servicing department. And that department doesn't have access to the mortgage application system, so they just wouldn't be able to see that he'd made an application. Lloyds said it didn't seem probable that anyone from that team would discuss the application in Mr C's sole name with Mrs C.

Lloyds also said it couldn't find a SAR made by Mr C in January. Its team had now checked, and the only information relevant to Mr C's mortgage application was his agreement in principle, but it would continue looking for calls Mr C had made or received.

Our investigator contacted Lloyds to ask it for screenshots of its computerised call logging system, so it could show that it had searched for calls on 12 October, and not found any. Lloyds has sent this to our service, and it does confirm no calls were located on that date.

Our investigator didn't think this complaint should be upheld. She said she didn't disbelieve Mr C's testimony. Lloyds may have made the call and not recorded it. But she said there was no record of this call. And she didn't think she could fairly say Lloyds should compensate Mr C for having disclosed his personal information to a third party when there was no evidence to support this.

Mr C didn't agree. He said Lloyds still hadn't sent him any information for his SAR, it was just giving him excuses. And he felt that we were letting Lloyds fob him off. He didn't think we could make a decision without the SAR information, which he said we weren't pushing for. Mr C wanted his complaint to be considered by an ombudsman, so it was passed to me for a final decision. I then reached my provisional decision on this case.

### **My provisional decision**

I issued a provisional decision on this complaint and explained why I only proposed to uphold it in part. This is what I said then:

I should start by saying that I don't know how Mrs C found out about Mr C's discussions with Lloyds about possible mortgage lending to him alone. I don't doubt what Mr C has told us, that Mr C had taken steps to make sure his enquiry remained private, but Mrs C did find out, and that this has been deeply upsetting for them both. But for me to uphold his complaint against Lloyds on this point, I would have to be satisfied it's more likely than not that Lloyds rang Mrs C, and in the process mentioned a second mortgage application from the property.

What Lloyds has said makes me think that this isn't what's most likely to have happened. It has shown us that it made no calls to Mr C's landline number on the day he says this call was received. And importantly, it also told him, and us, that the team which makes calls about mortgages just wouldn't be able to see the application he'd made for a mortgage promise, because it was at much too early a stage.

I've also looked at Mr C's mortgage promise, and although it carries Mr C's address, it clearly isn't a mortgage application for that property. The document makes clear that Mr C hadn't yet found a property.

For these reasons, I cannot say that it's most likely Mrs C did find out about Mr C's mortgage discussions with Lloyds because Lloyds let this slip in a separate phone call to Mrs C.

Mr C has said that I couldn't reach any conclusion before the documentation for his SAR had been sent to him, and us. But it seems Mr C is hoping his SAR will produce some evidence of the call made to his wife on 12 October. I don't think a SAR made by Mr C is likely to produce evidence of a call which was made to Mrs C, about her mortgage. And I'm also satisfied that Lloyds has already looked for this call. It hasn't been able to find it. So I do think I have sufficient evidence to reach a conclusion on this case now.

I think there is one point of Mr C's complaint which should be upheld. Lloyds has said it has no record of a SAR having been received from Mr C in January 2022. But the complaint notes Lloyds has provided show it knew in March 2022 that Mr C had understood he'd made this request already, and that he was concerned he hadn't received anything. I think it would have been reasonable for Lloyds to process Mr C's SAR request then, and it did not do so.

I do think Lloyds has provided a reply to Mr C now, because it said in its complaint response letter to him, that it couldn't find the information he wanted. But I also think it

would've been better to provide a separate, formal response to Mr C's request. Because Lloyds didn't do so, that meant Mr C remained concerned Lloyds might be hiding something. I should stress that I don't think Lloyds is hiding anything, but if it had responded more promptly, then this could perhaps have been avoided. So I think Lloyds should pay compensation of £100 to Mr C now, to make up for the distress he was caused by not getting a response to his SAR.

I know Mr C will be disappointed by this, but I don't think Lloyds has to do more than that.

I invited the parties to make any final points, if they wanted, before issuing my final decision. Lloyds replied to accept my provisional decision. Mr C didn't reply.

### **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.

Neither side has offered any further evidence or argument, and I haven't changed my mind. I'll now make the decision I originally proposed.

### **My final decision**

My final decision is that Lloyds Bank PLC must pay Mr C £100.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 8 December 2022.

Esther Absalom-Gough

**Ombudsman**