

The complaint

Mrs S complains that Lloyds Bank plc disclosed private and confidential information about her bank account which caused her considerable distress.

What happened

I issued my provisional decision on this complaint on 19 October 2022. This is what I said:

What happened

Lloyds made an error and sent an email about Mrs S's personal bank account to her husband's business email address. Although the email didn't contain any amounts, it informed him that his wife had an account which was overdrawn and that her credit card required urgent payment in full.

Mrs S considered this error to be a serious breach of her privacy, causing a severe impact on her marital relationship. This is because the disclosure led to questions about her financial affairs and caused her to have to disclose information about credit cards and debt which she had wanted to remain private and confidential. Mrs S feels that this has caused her humiliation, distress and turmoil. She describes the damage as being immeasurable. She also feels this has created a trust issue, put significant strain on her marriage and left her feeling bereft and isolated.

Mrs S complained to Lloyds Bank and, although they could not see that they made an error, due to the impact upon her personal circumstances they paid her £250 compensation. They also sent Mrs S flowers.

Mrs S then had a further conversation with Lloyds. Mrs S claims that the representative admitted the error and made a personal comment about her husband which downplayed the impact. Mrs S felt this was audacious and was further offended when Lloyds Bank commented on how Mr S would react to the release of information.

Mrs S complained to this service and, after we became involved, Lloyds Bank realised that they had, after all, made an error and should not have sent the email to Mrs S's husband.

The investigator recommended Lloyds Bank offer Mrs S £750 compensation. Lloyds Bank accepted this view, however Mrs S remains dissatisfied with the amount of compensation. Her position is that £5,000 would be a fairer reflection of the trouble and upset caused.

This case has now been referred to me to look at.

My findings / What I've provisionally decided

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

As Lloyds accept they made an error, what's left for me to decide is what is fair and reasonable to put this right. Having done so, for the following reasons, I have come to the

view that the compensation award should be increased to £1,500. I appreciate Mrs S will still be disappointed, as I understand she feels the severe upset and distress caused by the error warrants a higher amount of compensation. But I'll explain what I've considered when coming to this figure.

Although there hasn't been a financial loss here, it is clear that Lloyds made an error which had a very serious impact on Mrs S. Mrs S wished to keep her financial affairs private and confidential, which she was entitled to. On one hand, no amounts or balances were given out, so I can see why Lloyds might think that the impact in sharing limited information with a spouse wouldn't usually have such a serious impact. But in the individual circumstances of this complaint, I'm satisfied that the impact of this error is significant.

In considering what Mrs S has said about this impact, I'm persuaded by her testimony around just how significant this was. Mrs S says that she had made a commitment to her husband not to have any debt, or credit cards. How Mrs S managed her finances in this regard was a matter for her to decide. But I'm satisfied that she was trying to keep elements of her finances confidential and private and that Lloyds' error put her in a very difficult position, having to explain to her husband that she had a credit card and that it required urgent payment in full.

This was information she just didn't want to share, as she had made a commitment not to have a credit card or debt. But through no fault of her own, Lloyds disclosed this to her husband and this led to a very difficult situation between her and her husband, which wouldn't have been likely to have arisen in this way were it not for Lloyds' error.

Mrs S has explained the extent that the sharing of this information put significant strain on her marriage and left her feeling bereft, isolated and in turmoil. She's also explained how the impact of this error is still being felt now. I've also taken account of the fact that, although it appears to have been inadvertent, Lloyds were slow to accept responsibility and were insensitive in their communications, which would have added to the emotional impact. For these reasons I am also persuaded that Lloyds should offer Mrs S further compensation, beyond that which it initially offered and what our investigator suggested too.

So, having considered all of the information from both sides here, I think £1,500 is an amount which more fairly reflects the significant impact this had and continues to have on Mrs S here. In saying this, I've had regard for all Mrs S has said and her comments on the examples of awards of this nature we publish on our website. But, I hope she'll appreciate that our website can only act as a general guide and my role is to look at each case on its individual merits. Having done so, I feel that the amount I intend to award here is fair and reasonable.

My provisional decision

For the reasons given above, I plan to uphold this complaint and award £1,500.

I'll look at anything else anyone wants to give me – so long as I get it before 16 November 2022. Unless that information changes my mind, my final decision is likely to be as I've set out above.

I invited both parties to let me have any further comments or evidence before the deadline. Lloyds said that, having considered the latest points raised, they're in agreement with the recommendation. Mrs S responded to say she didn't have anything to add other than disappointment. Mrs S says her relationship has deteriorated because of the error, which she described as horrendous, and added that no price can compensate for the damage caused.

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.

Thinking about everything again and in light of Mrs S's recent comments I still think £1,500 is an amount which fairly reflects the significant impact this had and continues to have on Mrs S. So, it's that amount that I'll be telling Lloyds to pay in total here. It's my understanding that Lloyds has already paid Mrs S £250 here and so Lloyds would be entitled to deduct that from the overall amount it now has to pay Mrs S.

My final decision

My final decision is that I uphold this complaint. I require Lloyds Bank Plc, to pay Mrs S £1,500 in total for the distress and inconvenience caused here, less any amounts that have already been paid in relation to this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs S to accept or reject my decision before 3 January 2023.

Paul Douglas
Ombudsman