

The complaint

R, a partnership complains that Bank of Ireland (UK) Plc (BOI) sent sensitive information to an unauthorised third party.

R is represented by its partners.

What happened

R complained to BOI after finding out that bank statements for its business account had been enclosed in correspondence sent to a third party. BOI upheld the complaint, apologising for its error and later paying R £150 compensation.

R feels the resolution is unfair and wants additional compensation, so it referred the complaint to this service. R says the statements were sent to a rival business and meant the third party had access to sensitive information – including client information, transaction details and the sources of R's funding.

One of our investigators recommended that BOI increase its compensation to £300. BOI didn't agree, so the 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.

I share the view that increasing the compensation award to £300 is a fair way to resolve this complaint – I'll explain why.

BOI already accepts that it made an error. The bank says it has taken steps to avoid something like this happening again and has contacted the relevant third party. BOI has also apologised, so I'm satisfied that it has recognised what it has done wrong and has taken steps to put things right.

All that remains for me to consider is whether the compensation BOI has paid is fair. Although it's positive to see that BOI recognised that compensation is appropriate here, I don't think the £150 compensation the bank has paid R goes far enough in putting things right.

R says BOI disclosed sensitive client information to a rival firm, creating the potential for the third party to identify clients, income and funding information and the type of work R is involved in. I haven't seen anything that suggests R experienced a financial loss or that any of this information was used in the way R points out. But R's partners were both left distressed by the prospect of this. So I think that increasing the compensation award to £300 is a fair way for BOI to make up for the distress it caused both partners.

Despite what BOI says, R seems to be a partnership. So this service wouldn't treat it as a separate legal entity and my powers allow me to treat the partners as individuals when

considering any award I make. And as I explained, £300 is a reasonable award for the distress experienced by both partners.

Putting things right

BOI caused R's partners unnecessary distress and inconvenience when it made an error by sending R's bank statements to a third party. BOI has already paid R £150 compensation. In my opinion, to put things right, BOI should pay R an additional £150 compensation.

My final decision

I'm upholding this complaint. If R accepts my final decision, Bank of Ireland (UK) Plc should settle the complaint in line with what I've set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask R to accept or reject my decision before 4 January 2023.

Abdul Ali
Ombudsman