

## **The complaint**

Mr S complains that Creation Financial Services Limited mishandled his request to access his personal data which it held in respect of a credit agreement.

## **What happened**

Mr S held a credit card account with Creation and had done so for around four years. This credit account could also be accessed online by Mr S.

In March 2022 Mr S made a subject access request ("SAR") to Creation by letter asking that it provide him with all the data that it held in respect of himself. Around two weeks after receiving Mr S's letter, Creation telephoned him on his mobile number. Mr S says he explained to the agent at that time that he wasn't able to take the call and asked they called him back later. Mr S says the agent informed him that they would write to him instead.

Mr S received a letter from Creation acknowledging his request and providing a link to its "Data Protection Notice" which it explained set out how it collated, used and shared personal information. The letter also requested Mr S provide a valid identification document (passport/driving licence) to verify his identity. Creation said once this had been received it would comply with its obligations under the Data Protection Act.

Mr S wrote back to Creation and complained about its request that he provide proof of identity via documentation. He said this was unnecessary as there was no doubt as to who he was and that his SAR had been properly made. He declined to provide any further proof.

Creation didn't uphold Mr S's complaint. It said that the proof of Mr S's identity was required to keep his account secure, and it apologised for the inconvenience this had caused but said it hadn't made any error in making this request.

Mr S was unhappy at Creation's response and complained to this service. Our investigator didn't recommend his complaint should be upheld. He said Creation had a right to ask Mr S for proof of identity and as he had made a written request for disclosure, it was reasonable for Creation to have wanted to verify who he was.

Mr S disagreed with the view of our investigator. He said the request for an identity document was unreasonable and disproportionate. Mr S said Creation should either have phoned him back as requested, sent a text or a direct message via his online account to seek verification of his identity. He said it was unreasonable to be asked to send identity documents via the post.

As the parties have been unable to reach an agreement the complaint was passed to me. I issued a provisional decision along the following lines.

The Information Commissioner's Office ("ICO") has provided guidance to businesses on receiving requests for a right of access to personal data. It says that a business needs to be satisfied that it knows the identity of the requester and if it is unsure then it can ask for information to verify the individual's identity.

Mr S said that due to the relationship he already had with Creation it wouldn't have been unsure as to his identity. He said it had already been given and recorded his address, telephone number and had the details of his account.

I'd seen that after Creation had received Mr S's request, it had directed him to look at its policy in respect of SAR's as set out in its Data Protection Notice. It provided Mr S with the link to follow and also offered to provide it in writing or in email if Mr S preferred. I was unclear whether Mr S had looked at this information.

Looking at the Data Protection Notice, this set out what information was to be included in a SAR. It said once a request was received *"we'll contact you by phone to verify your identity and go through the details of your request"*. I'd seen that Creation had called Mr S as per the notice, but Creation said this hadn't been unsuccessful. However, Mr S said he had answered this call and requested a call back. As the call hadn't verified Mr S's identity, Creation then decided to write to him to seek documentary verification of his identity.

I thought verifying Mr S's identity before providing the requested data was a reasonable action for Creation to have taken. It had received a written request and making a check was part of its policy and in keeping with the guidance provided by the ICO. I didn't think the SAR letter alone would have been necessarily sufficient for Creation not to have wanted to confirm the requester's identity in another way.

However, I didn't know why Creation hadn't re-scheduled a call to Mr S following the first attempt as I thought that would have been reasonable, particularly as Mr S had made that request. I appreciated Mr S's frustration when asked to provide valid identity documents instead.

Mr S had been concerned about providing identity documents via the post and I wasn't surprised that he would be worried about doing so. However, looking at Creation's Data Protection Notice I didn't think posting the physical document was actually required and Mr S could have emailed a copy. But I also didn't think Creation's response letter to Mr S had been clear enough about how it would accept the requested documentation as it was silent on that point. So, I thought Mr S's assumption it would have to be posted was understandable.

I was therefore intending to uphold Mr S complaint as although I thought Creation had acted reasonably in requiring further evidence from Mr S to verify his identity I thought it would have been fair for it to have called him back and dealt with this verification on the phone. Alternatively, I thought that when requesting the identity documents Creation should have been clearer about whether these could be provided via email rather than by post.

I accepted that this situation had caused Mr S unnecessary distress and inconvenience and I thought a sum of compensation would be fair. I thought £75 was reasonable when looking at the overall impact of this matter on him.

Both parties have agreed with my provisional decision.

### **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 neither party has asked me to look again at my decision, I have reviewed the evidence and the conclusions I reached. And having done so, I haven't changed my mind.

Although I think Creation was acting reasonably in seeking to verify Mr S's identity for his SAR, I think this could have been handled more fairly by either doing so over the phone or by being clearer as to how copies of identity documents would be acceptable.

I'm upholding Mr S's complaint.

### **Putting things right**

I'm asking Creation to pay Mr S £75 compensation for the distress and inconvenience caused to him by its handling of his SAR.

### **My final decision**

For the reasons set out above I'm upholding Mr S's complaint. I'm asking Creation Financial Services Limited to pay Mr S £75 compensation for the distress and inconvenience caused by its handling of his SAR.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 22 February 2023.

Jocelyn Griffith  
**Ombudsman**