

The complaint

Mr F has complained about Santander UK Plc's ("Santander") handling of his request to see the personal information it holds about him – known as a Data Subject Access Request ("DSAR").

What happened

Mr F complained to Santander in August 2019 that Santander had previously (operating under a different name) mis-sold him a Mortgage Payment Protection Insurance (MPPI) policy.

In October 2020 Santander wrote to Mr F to explain that it was unable to locate any MPPI policy using the details Mr F had provided and asked for further information.

Mr F responded to this and said he'd provided all of the necessary information needed to locate his MPPI policy. Santander responded saying that it still needed the relevant information to help locate the policy. Santander confirmed in a letter dated 23 March 2021 to say that it was able to locate details of a life policy, but not a MPPI policy.

Unhappy with Santander's handling of his MPPI complaint, Mr F requested Santander to provide all information that it holds about him. This request was made in April 2021.

Santander wrote to Mr F on 4 June 2021 to confirm that it will process his DSAR and will respond to him within 28 days. Unfortunately, this was not acted upon by Santander until July 2021 – after the deadline to respond to a DSAR had already expired. However, when Santander responded to the DSAR on 21 July 2021, I understand it said that it was unable to locate any personal data and asked Mr F to provide additional information, such as a previous address it may be able to find the data Mr F is after.

After Mr F raised further concerns with how his DSAR was handled, Santander wrote to Mr F on 26 October 2021 and confirmed that it was still unable to find any information about a MPPI policy. It confirmed that Mr F had made payments to a third-party insurer for a life insurance policy and said to Mr F to contact that insurer if he wanted more information. Santander acknowledged it had not handled Mr F's DSAR correctly and said it will be sending further information it had located to Mr F shortly. To reflect the errors in how it'd handled the DSAR, Santander agreed to pay Mr F £200 compensation.

Unhappy with Santander's responses, on 30 October 2021 Mr F asked Santander again to provide information that it holds about him. Santander responded to this request for information it held about him on 1 December 2021. Delivery of the documents was attempted on 6 December 2021 and Mr F received the documents on 10 December 2021.

Santander wrote to Mr F on 21 December 2021 and explained that as the mortgage that Mr F had held with Santander was redeemed in 2006, a lot of the information it may have held about him had since been deleted. It also said that it doesn't hold information about a life insurance policy, as that was provided by a third party, and suggested he contact the insurer directly to obtain more information about it. Santander apologised for how the DSAR had been handled and agreed to pay Mr F a further £75 by way of an apology.

Unhappy with Santander's response, Mr F referred his complaint to our service.

One of our adjudicators assessed the complaint and they concluded that, due to how Santander handled Mr F's DSARs, it should pay Mr F a further £200 (in addition to the £275 already offered by Santander) to reflect the added distress and inconvenience that it had caused Mr F.

Mr F disagreed with the adjudicator's assessment, so the matter was referred for an ombudsman's decision.

One of our ombudsmen has already considered Mr F's complaint regarding the mis-sale of a MPPI policy, so it won't be and can't be addressed in this 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.

Having reviewed everything, overall I think what the adjudicator proposed in her assessment of the complaint is reasonable, and that Santander should pay Mr F a further £200 (in addition to the £275 already offered by Santander), to reflect the distress and inconvenience this matter has caused Mr F. I will explain why.

Santander's handling of the MPPI Mis-sale complaint

Before I explain why I've reached my decision, I think it would be useful for me to explain exactly what I've been able to consider. Mr F has raised a number of complaint points. Some of these include points about how Santander handled his MPPI mis-sale complaint – namely about difficulties he had in initially raising a complaint; how long it took Santander to consider his complaint; and also that he was required to resubmit information.

But the rules our service are governed by – known as the Dispute Resolution rules (DISP Rules) – say that our service can only consider complaints about regulated activities. And complaint handling is an unregulated activity and so falls outside of my jurisdiction. This means I'm unable to consider, or comment upon, the way in which Santander handled Mr F's MPPI mis-sale complaint or how long it took. And it also means any upset or inconvenience Mr F suffered because of *how* the MPPI mis-sale complaint was handled can't be considered when I think about what a fair offer of compensation should be.

The Financial Ombudsman's role

Turning now to the parts of Mr F's complaint that I can consider, I think it may also help to explain that our service is not a regulator. Therefore, it is not our role to fine or punish financial businesses for any potential wrongdoing. As such any award our service makes is not intended to be punitive.

Instead, our role is to look at individual complaints, and where we think that a financial business has done something wrong or acted unfairly or unreasonably, we will instruct the relevant financial business to put matters right.

I can also see that in many of the letters Mr F has written, he asks many questions and is often frustrated that his specific questions are not always answered - or answered by a date specified by him. To manage Mr F's expectations, I won't be answering each and every question he has raised, in this decision. I have looked at his complaint as a whole, to determine whether what has been recommended by the adjudicator so far to put matters right is fair and reasonable in the circumstances. I appreciate that Mr F may not be too happy about this, but I would like to assure Mr F that I have considered everything he has provided.

And having considered everything that has been provided, it's quite clear that matters have not been handled as they should've by Santander.

Firstly, I can see that Santander has made a number of errors when dealing with Mr F's DSARs. For example, Santander mis-spelt Mr F's name and address and it had incorrectly dated a letter as 3 June 2021 (as evidence by the fact that the letter refers to correspondence dated 4 June 2021, 15 June 2021 and 29 June 2021).

However, I understand that the main aspect of Mr F's dissatisfaction is with how it dealt with his DSARs, and also because Santander didn't provide him with the information he wanted – which was a copy of a MPPI agreement he says he was obliged to sign when he took out his mortgage.

How Santander dealt with the DSARs

Turning now to the DSARs that Mr F made, it's not in dispute by both sides that Santander didn't deal with Mr F's DSAR made in April 2021 correctly.

I understand that Santander didn't respond to the initial DSAR until 21 July 2021, which was outside the time limit it was required to respond by. Santander has explained that the delay was caused by the DSAR being sent to the wrong department, and as the team handling the DSAR had not been provided with Mr F's previous address information, it was unable to locate any information about him. Having waited for around three months for Santander to respond, I understand why Mr F was frustrated by Santander's response.

As Santander was unable to provide Mr F with any information, this then prompted Mr F to contact Santander again to ask that it provide all of the personal information it held about him.

I understand Santander did this in two responses, one sent in October 2021 and another sent in December 2021 (although I note from Mr F's letters that he may've also been sent some information on other occasions too e.g. September 2021).

It is not entirely clear why it took Santander at least two further attempts to provide Mr F with the personal information it held about him. And I can appreciate that there was a fair amount of back and forth between Mr F and Santander, before Santander says that it had finally provided all of the personal information it held about Mr F.

Having looked through the exchange of correspondence, I do think that awarding a further £200 compensation – as recommended by the adjudicator - is warranted in this case. I say this as I think Santander clearly could've handled the DSARs much better from the outset than it did. And the matter has clearly caused Mr F a fair amount of inconvenience and frustration in asking for the information Santander holds about him. By awarding Mr F a further £200, this will bring the total amount of compensation to be paid to him to £475 – which I think more accurately reflects the impact this matter has had on Mr F.

Santander didn't provide a copy of an MPPI agreement

I understand that, beyond various questions about how Santander has handled his DSARs, a large part of Mr F's frustration is the fact that Santander has not provided him with a copy of a MPPI agreement he says he signed.

In fairness to Santander, it has been consistent throughout (once it had responded to his MPPI mis-sale complaint) in saying that it had been unable to find any record of Mr F having an MPPI policy and had only been able to locate evidence of a life insurance policy.

Santander says that it sent the evidence of the life insurance policy to Mr F in October 2021 – and has provided evidence of the document it sent (a copy of which the adjudicator shared with Mr F recently). Whereas Mr F disputes this and says that he was not sent the document in question regarding the life insurance policy.

Overall, I think the document was likely to have been sent to Mr F. I say this because firstly, Santander provided our service with a copy of the cover letter and document from its DSAR file and the cover letter looks to have been correctly addressed. And secondly, in a letter Santander sent to Mr F on 26 October 2021, Santander acknowledged that it had failed to

send him the document in previous DSARs, apologised for not doing so and said that a copy of the document would be sent to him. Specifically, the letter said:

“We don’t have any paperwork relating to the life insurance policy but will provide you with a copy of the information sent to us by [insurer] in response to our enquiries. You would need to contact [insurer] directly to ascertain any further data they may hold on you. Details of how to contact them can be found on their website: [insurer’s website]”

Therefore, if Mr F says he didn’t receive the document, I think it’s more likely the case that it was lost in the post rather than it being the case that Santander was withholding the information from him – after all Santander acknowledged the existence of the document, explained that it had been obtained from the insurer in question and said to Mr F that it would send a copy of the document to him. But either way, I think that the redress proposed by the adjudicator reasonably reflects the frustration and inconvenience caused to Mr F by him having to chase for the life insurance documentation that Santander promised to send him.

When responding to the DSARs, Santander explained that it only holds limited information about the mortgage (and therefore any product that may’ve been linked to it), as the mortgage was redeemed in 2006. I appreciate that Mr F may be disappointed about the limited amount of information that Santander was able to provide him when responding to his DSARs. But no financial business can be expected to hold on to information about customers indefinitely. Indeed, modern data protection regulations require businesses to delete information once it is no longer needed – so I can’t reasonably say that Santander is being unreasonable or obstructive, because it now can’t provide as much detailed historical information when responding to a DSAR, as it may’ve held in the past.

Despite the responses to Mr F’s DSARs, I understand that Mr F is adamant that he had a MPPI policy in place. But one of our ombudsmen has already looked into that matter and issued a final decision - essentially concluding that there was not enough evidence to be able to say that he was sold an MPPI policy. So, as frustrated as Mr F is by this, I can’t comment or make a finding on whether he likely did have an MPPI policy with Santander.

Putting things right

Because of the reasons given above, I don’t think Santander dealt with Mr F’s requests for information it held about him in a fair and reasonable manner. And because of how it handled the requests, this has clearly caused Mr F a fair amount of distress and inconvenience, over a fairly lengthy period of time.

However, I note that Santander has been consistent throughout by saying that it was unable to find any evidence that Mr F had a MPPI policy in its records. And that the only policy details it could locate was a life insurance policy - which I’m satisfied that Santander sent to Mr F in October 2021. So in the circumstances, I can’t reasonably make any award for Mr F’s frustration because Santander was unable to provide him with a copy of an MPPI agreement.

As such, in addition to the £275 that Santander has already agreed to pay Mr F, Santander UK PLC needs to pay Mr F a further £200 compensation, for the distress and inconvenience this matter has caused him.

Doing this will bring the total amount of compensation awarded to Mr F in relation to this matter to £475.

My final decision

Because of the reasons given above, I uphold this complaint and require Santander UK PLC to do what I have outlined above, to put matters right, in full and final settlement of this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 20 March 2023.

Thomas White
Ombudsman