

The complaint

Miss B complains that Bank of Scotland Plc trading as Halifax sent her ex-husband a text message stating the amount of her first mortgage payment.

What happened

Miss B and her ex-husband had a mortgage with Halifax. As part of the divorce settlement the property was transferred to Miss B in her sole name, and she was solely responsible for the mortgage. But Halifax texted her husband who was no longer a party to the mortgage with details of the first payment on the new mortgage and when it would be collected. Miss B says that for many years she suffered physical, verbal, and emotional abuse from her ex-husband. She began divorce proceedings in January 2022 and has been able to keep the former matrimonial home and when it was transferred to her, she was able to shut the door knowing the house was now hers. Miss B feels that the freedom she should now feel has been completely overshadowed by this disclosure and that her husband has expressed his anger as he knows that Miss B's outgoings are less than his because of the data breach.

Halifax apologised for not correcting its records when the transfer had occurred and confirmed that the only account number linked to this account it held was now Miss B's. Halifax also offered £500 by way of compensation. Our investigator recommended that this complaint should be upheld as she felt that Halifax underestimated the level of compensation she should receive. She recommended compensation of £750. Miss B disagrees saying in summary that there was a recent violent incident requiring police intervention owing to her ex-husband's anger surrounding her financial position.

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.

Miss B seems to be in a very difficult position with her ex-husband and I can only wish for her and her family that she gets the safety in her home that she seeks. My role is to assess what compensation is due Miss B for this data breach.

There are two limbs to this complaint. Firstly, the breach of trust that would have affected Miss B's expectation that her data would be kept safe and of course the possibility that this could happen again. This type of breach would affect Miss B's confidence in the security of her data given that sensitive financial information is being passed to the person she least wanted it passed to and who is prepared to use it in his ongoing abuse of her. As there was originally a joint account, her ex-husband's phone number was on file and Halifax seems not to have been removed it from the system when she took out a sole mortgage. Of course, the breach shouldn't have happened, but Halifax has explained how it arose, apologised, and removed her ex-husband's number from the file. Given that, Halifax seems to have taken the measures we would expect it to take and to give Miss B confidence that it shouldn't happen in the future.

The other issue is the content of the data breach which gave her ex-husband an insight into her financial affairs that he has been able to use against her. But Miss B's ex-husband, I expect, has already got a lot of information about her financial situation. A divorce involves mutual discovery of each party's financial situation. So, as this divorce was quite recent, both parties will have detailed information about each other's financial situation and a further disclosure - the monthly amount that Miss B is paying for her mortgage – has to be seen in this context. If Miss B's ex-husband is incensed that she is better off financially than him, it's likely that this is related to the financial outcome of the divorce rather than the disclosure of how much she is paying for the mortgage. I appreciate that this is information for her ex-husband that he shouldn't have got but he will already have substantial information about her financial affairs because of the nature of the divorce process.

My role is to assess the level of damages appropriate to this breach. As set out above I don't consider that this breach, by itself, would be likely to have the long-term impact or other features that would lead to a higher award than suggested by our investigator. I agree with our investigator that this would have caused Miss B considerable distress, upset, and worry and of itself have a serious but short-term impact. I believe that the amount suggested by our investigator of £750, as opposed to the £500 initially suggested by Halifax, is fair compensation for that. So, on that basis I uphold this complaint.

Putting things right

Bank of Scotland Plc trading as Halifax should pay Miss B compensation of £750.

My final decision

I uphold this complaint and require Bank of Scotland Plc trading as Halifax pay the compensation set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss B to accept or reject my decision before 26 May 2023.

Gerard McManus
Ombudsman