

## **The complaint**

Ms P complains that The Royal Bank of Scotland Plc (RBS) sent bank statements in her sole name to her ex-husband's solicitor.

## **What happened**

In January 2022 solicitors acting for Ms P's ex-husband sent RBS a court order and request for bank statements for an account that was previously held in joint names. But despite referring to a joint account, the court order contained a sort code and account number that related to an account Ms P held in her sole name.

RBS sent Ms P's sole named bank statements in line with the account number and sort code recorded on the court order. RBS didn't query why the court order referred to a joint account but gave details for an account in Ms P's name only.

In March 2022 Ms P complained to RBS and it made various offers of compensation. On 15 March 2022 RBS sent Ms P and final response and paid her £400 for the distress and inconvenience caused.

Ms P has told us she didn't feel the award was fair so referred her complaint to this service. An investigator reviewed Ms P's complaint. The investigator explained that the Financial Ombudsman Service can't decide whether there had been a technical data breach and that Ms P could refer her concerns to the Information Commissioner's Office (ICO) to consider. The investigator thought the level of compensation offered by RBS was a fair way to resolve Ms P's complaint.

Ms P didn't agree and asked to appeal. Ms P said the court order didn't allow RBS to share her sole named account statements and that, by doing so, she had been caused a large amount of distress and inconvenience.

I was recently passed Ms P's complaint and reviewed what had happened. I contacted RBS and said I felt it should've done more before to verify the information requested before sending Ms P's statements to the solicitors. I pointed out that whilst the request referred to a joint account, the sort code and account number included was for Ms P's sole account. Given the discrepancy, I felt RBS should've done more before sending bank statements and explained I felt an increase in the settlement was fair. RBS agreed to increase the compensation to £750.

Last month, I contacted Ms P and put the increased settlement to her. Ms P responded and requested copies of documents we hold on file but didn't confirm whether she was willing to accept. As I haven't heard back from Ms P, I've taken the step of issuing a decision that confirms her complaint has been upheld.

## **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've looked at the letter and attached court order RBS received from Ms P's ex-husband's solicitors dated 10 January 2022. In the court order document dated 16 December 2021 RBS is required to supply account statements for any account previously maintained in joint names. But the account number noted relates to an account Ms P has only held in her sole name. RBS went on to send Ms P's bank statements to her ex-husband's solicitors.

As I've noted to both parties, I think RBS should've done more to clarify the request before sending Ms P's statements. And I'm satisfied that doing so wasn't reasonable in light of the request RBS received. Ms P's explained that the circumstances of her divorce proceedings were made harder as a result of the statements RBS shared. Ms P's also told us about how the situation impacted her mental health and family relationships. I agree with Ms P that the existing offer of £400 isn't a fair way to resolve her complaint.

I've explained to both parties that I think the compensation should be increased from £400 to £750. In my view, that figure more reasonably recognises the impact of the issues raised on Ms P and is a fairer way to resolve her complaint. For the reasons given above and in my emails to both parties, I'm upholding Ms P's complaint and awarding £750 for the distress and inconvenience caused by RBS' actions.

### **My final decision**

My decision is that I uphold Ms P's complaint and direct The Royal Bank of Scotland Plc to pay her £750 (less any compensation already paid).

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms P to accept or reject my decision before 23 May 2023.

Marco Manente  
**Ombudsman**