

## **The complaint**

Miss B complains that Bank of Scotland Plc (trading as Halifax) did not treat her fairly when she tried to apply for a savings account.

## **What happened**

Miss B had an appointment at a Halifax branch to open a savings account, she says she'd been encouraged to do this by various staff members as moving her money to a savings account would mean she was eligible for Halifax's savings account prize draw.

On arriving for her appointment Miss B was very unhappy with the way things were handled. Specifically, she was unhappy with the following issues:

- the nature of the meeting was not made clear to her before she arrived
- the meeting was recorded
- the meeting was not held in a private area (so her personal information could have been overheard)
- she was asked what she felt were unnecessary and intrusive questions
- Halifax then refused to proceed with the application when she declined to answer a question about savings account she held elsewhere

Miss B raised a complaint with Halifax about these issues, but Halifax did not agree it had done anything wrong. It said that it had followed its own procedures for a savings account application and did not think it had treated Miss B unfairly. Miss B remained unhappy so she referred her complaint to our service.

Our Investigators looked into what had happened. Overall, they agreed with Halifax that it had acted reasonably and had followed its processes in how it treated Miss B. Miss B did not agree, so her complaint was passed to me for a decision.

I issued my provisional decision on this case on 20 April 2023. In that decision I explained that while there were areas where I felt Halifax had acted reasonably, I did not think it was fair for it to have refused to proceed with the savings account application. I recommended that Halifax pay Miss B £100 to recognise the impact of this.

Halifax did not entirely agree with the detail of my findings, but nonetheless agreed to accept my provisional decision. Miss B made several comments regarding my findings which she felt still needed to be addressed.

## **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.

In my provisional decision I explained the following:

*"I acknowledge that Miss B was frustrated and annoyed by the way the meeting was handled but there are certain aspects of the meeting where I consider that Halifax did behave reasonably. Firstly, I appreciate that Miss B may not have come across this practice before, but I don't think it is unfair or unreasonable for Halifax to record meetings of this nature. The staff member Miss B was speaking with explained why meetings were recorded when she asked, and those reasons are, in my view, reasonable. Miss B was given the option to refuse the meeting if she did not want to be recorded.*

*I also appreciate that Miss B did not feel the location of the meeting was appropriate, she felt that it was not adequately private and that this could lead to a breach in her personal data, particularly when the staff member read her account balance out loud. Miss B has also commented on the staff member taking written notes during the meeting which she feels were unnecessary and, again, could lead to a potential breach in her personal data. I can understand why Miss B feels the way she does, but Halifax had evidently assessed the location as being private enough for this sort of meeting. And if Miss B disagreed then she could have objected at the time, and perhaps asked if a more private area was available if she felt uncomfortable. I acknowledge that Miss B says she did not know how much of her private data would be discussed prior to the meeting but any account application is likely to involve some level of personal data being discussed.*

*I also don't think it is unreasonable for a staff member to take written notes during such a meeting, as long as those notes are adequately stored or destroyed afterwards, and Halifax has confirmed they would have been. In any case, I've not seen anything to show that there was any breach of Miss B's data, so while I appreciate her strength of feeling I don't consider that Halifax has made any clear error here for which compensation or any other remedy would be appropriate.*

*Turning to the questions that Miss B was asked during the meeting, I can understand her frustration with these. But it does appear that the questions she was asked were in line with Halifax's savings account application process at the time. So while I don't doubt that it was irritating to be asked questions she felt were irrelevant – or that Miss B was aware Halifax already knew the answer to – I can't find that Halifax actually did anything wrong in asking these questions.*

*I also don't agree that Miss B was misled to any great degree about what she would need to bring to the meeting, the documents she's provided indicate that existing customers will need to bring their bank card – which she did – and if they are interested in opening an ISA they will also need details of ISA accounts held elsewhere. Miss B was not interested in opening an ISA, but Halifax was not necessarily aware of that prior to the meeting, an ISA is, by definition, an Individual Savings Account and Miss B's meeting had been arranged to discuss opening a sole savings account. So I don't think it was unreasonable for Halifax to ask Miss B about the savings account she held elsewhere.*

*However, I don't think it was reasonable for Halifax to then refuse to proceed with the application when Miss B declined to answer this question. Miss B was not willing to share detailed information about her other savings accounts. Halifax then stated it would not be able to proceed with the application unless Miss B answered this question, I don't think that was fair.*

*I understand why this question was likely asked – to enable Halifax to determine whether Miss B was using her full ISA allowance or similar and so determine what savings accounts Halifax could offer her – but I've not seen anything to show why Halifax could not proceed without an answer to this question. For example, Halifax could have simply set out the various savings accounts it offered and told Miss B that some (such as ISAs) would not be*

*available if she was using her full ISA allowance elsewhere. Or it could have rephrased or reworded the question so that it was less intrusive. Or even simply explained why this information was needed. It seems unfair for Halifax to refuse to proceed with Miss B's application purely because she was unwilling to share personal information that there does not appear to have been any legal or regulatory requirement for providing in order to complete the application.*

*So unless Halifax can provide a reasonable explanation as to why Miss B's savings account application could not proceed without this specific information, I am currently intending to find that it did not treat her fairly when it ended the application meeting. It follows that I also intend to find that Halifax should pay Miss B some compensation for the distress and inconvenience caused. She had, after all, made a visit to the branch specifically to apply for a savings account, and was unable to do so because of Halifax's refusal to proceed.*

*I welcome comments from both parties, and it's possible my findings may change depending on any further comments I do receive, but with the information I have seen so far, I am currently intending to uphold this complaint and to direct Halifax to pay Miss B £100 in compensation."*

I'm grateful Miss B took the time to respond in detail to my provisional findings, but having carefully considered what she has said my findings remain unchanged.

I appreciate her comments that it was what was said – rather than the specific location of the meeting – that caused her concerns about the security of her personal data. But while I acknowledge that information such as her account balance was read out loud there is nothing to show that anyone overheard that information, or was able to overhear it given the location and specific conditions in the branch at the time. So I cannot reasonably find that Halifax did anything wrong here.

Miss B has commented that she does not see how I could consider that the pre-meeting information she was provided about what to bring was satisfactory. I acknowledge that the documents she was sent do not seem to suggest that she would need photo ID or proof of her address, I do though consider they make it clear that for some savings accounts she would need details of her savings held elsewhere. And, overall, while I acknowledge the frustration this caused, Miss B did have the required documents with her. And my role here is not to direct Halifax to change its processes or procedures, but to consider the individual impact on Miss B.

Miss B has also commented on the staff member she spoke to lying "about his awareness or otherwise of the prize draw accounts". Nothing I have seen or heard has suggested to me that the staff member lied to her about this. I think it is helpful to clarify here that there is not a specific "prize draw savings account". Customers who hold £5,000 or more in savings in all their qualifying accounts (which includes all savings accounts and ISA's, but not child savings accounts) for a month can qualify for the prize draw in the next month. I think what happened here was more a misunderstanding than a deliberate act of lying, although I appreciate that doesn't lessen Miss B's frustration.

Miss B has also asked whether she would now be able to open a savings account with Halifax without any further issues. I cannot say exactly what would happen if Miss B were to try again to open a savings account with Halifax, as I've said, it's not my role to tell Halifax to change its processes or procedures. I can only suggest that if Miss B does decide to open a savings account and there are then further issues, she would be able to make a new complaint to Halifax and then to our service if she did not feel any concerns were resolved.

Overall, while I appreciate Miss B remains unhappy with the way her application and complaint were handled, I am satisfied that what Halifax has now offered to do – pay Miss B £100 – is a reasonable way to resolve this complaint.

### **Putting things right**

Halifax should pay Miss B £100.

### **My final decision**

I uphold this complaint, Bank of Scotland plc (trading as Halifax) should put things right in the way 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 22 June 2023.

Sophie Mitchell  
**Ombudsman**