

## **The complaint**

Mr O complains that Barclays Bank UK PLC failed to action his Subject Access Request (SAR) within the correct timescale. He also complains about how they handled his complaint, and that they closed his account without giving him any notice.

## **What happened**

On 26 July 2018, Mr O submitted a Subject Access Request (SAR) to Barclays after they declined his application for a mortgage. Mr O says that Barclays sent him only one document within 30 days and failed to send him everything containing his personal data. He says it wasn't until around five months later that Barclays provided the information he had asked for.

Mr O raised a complaint in August 2018 but said it was ignored for over two months despite him calling and emailing different departments at Barclays multiple times. He raised the matter with the Information Commissioner's Office (ICO) in October and continued to chase Barclays for a response. The ICO upheld Mr O's complaint, and gave Barclays until 3 December to provide the information, however they failed to do this.

In December 2018, Barclays explained that they couldn't find anything mortgage related with the address Mr O had provided. Mr O also said he was told that the reason his emails hadn't been acknowledged was because the inbox hadn't been monitored, however he said Barclays then denied this was the case.

Later in December Barclays sent Mr O some more information, however he says it was still incomplete as he couldn't see any data relating to his mortgage applications. He also noticed that Barclays had closed his Premier Account without telling him.

Barclays sent further information in January 2019, however Mr O wasn't able to access the documents online. Because of this, they were sent in the mail. Barclays also offered Mr O £550 as compensation in response to his complaint.

Regarding the account closure, Barclays explained they had sent Mr O a letter in August 2018 which said that due to inactivity, the account would be closed unless he paid into it before mid-November. Mr O said he didn't receive this letter and asked Barclays to open a new account for him. He also asked that no credit search be carried out as that would cause him detriment while he was applying for mortgages in place of the ones Barclays declined. But Barclays responded and said that a credit search would need to be carried out in order for Mr O to open any new account.

Mr O explained he had never received the letter, however Barclays said it had been sent and that it also would have been available through his online banking portal.

Following this, Mr O had to chase Barclays for their final response to his complaint, which he received on 22 May 2019 – around nine months after the complaint was raised. He says the response didn't contain the missing information he had asked for and didn't address items

he had been raising with Barclays since 2018. He also didn't agree with the amount of compensation offered.

Barclays explained that as part of Mr O's first SAR, he had only asked for information about his current account, which is what they sent within the correct timeframe. They said a second request was made on 31 October, and this information was sent two days over the 30-day timeframe. Following this, they realised Mr O had multiple personal records on their system which meant he only received information for one of the records, resulting in a delay. They found the rest of the information and sent this by recorded delivery on 14 January 2019.

In relation to the emails that went unanswered, Barclays explained that while the mailbox is monitored daily, the emails are passed on and aren't acknowledged for security and data protection purposes. They also explained that specific mailbox wasn't the correct channel to use to log a complaint and that the correct form to use was shown on their website. Overall, they apologised for the delays and service provided, and said they felt the offer of £550 was fair.

Mr O disagreed. He said he had to spend over 10 months and around 53 hours chasing Barclays in order to get things resolved and that an investigation into their systems and processes should be carried out.

Our investigator looked into the complaint and explained that while he agreed Barclays had made some failings, he felt the amount of compensation offered was fair.

Mr O disagreed. He explained that he had ticked the box marked "Barclays Banking (including Barclays Premier and mortgage accounts)". For this reason, he said Barclays should have sent all of the information he had requested from the date of his first request, meaning it took six months to receive anything meaningful, and a total of 17 months to receive everything. He also explained the investigation into Barclays closing his account without providing notice remained outstanding.

Because Mr O disagreed with our investigator's view, the complaint was passed to me for review.

After reviewing Mr O's case again, we decided that we needed some more information from Barclays. We asked them for a copy of the letter they sent Mr O in August 2018 regarding the closure of his account, we asked for some more information about what Mr O asked for as part of his SAR, and we also wanted to know more about the process followed when emails are sent to their DPO mailbox.

Barclays provided a copy of the letter sent to Mr O in August 2018 which showed his correct address. They also explained the letter would have been available through Mr O's online portal. While Mr O said he didn't receive the letter, as Barclays were able to provide a copy which is dated with the correct address, we told Mr O that it's most likely it was sent, but may have been lost in the post - something we can't hold Barclays liable for.

In relation to the form Mr O completed when he first requested a SAR, Barclays explained that there would have been a separate tick box for mortgage information alone on the form (so that customers get any mortgage related information they hold). However, they said Mr O had ticked for information which would only cover all the information held within their records. As Mr O didn't have an active mortgage account with them, ticking this box wouldn't

have pulled any information on the applications, as it only would have given information on mortgage accounts that were in place.

We also asked what happens to the emails that are sent to the DPO mailbox. Barclays explained they are sent on to relevant departments, but that those in the DPO area don't have access to the relevant systems meaning they wouldn't ever be able to log a complaint. They said that the different ways to raise a complaint are explained on the website and Mr O should have used one of those channels.

Even though this was the case, we said that we could understand why Mr O would log his complaint with the DPO team, because that was the area he was unhappy with. Even though they may not have access to the relevant systems, we still felt they could have sent the emails to someone who did.

After reviewing all of the additional information received, we asked Barclays to pay a further £100 to Mr O for the delays caused in raising his complaint.

Barclays agreed to pay the £100, in addition to the £550 already offered. Mr O responded and said he didn't accept the offer. He said the value of his time in relation to what had happened was closer to £10,000. He said he would provide further information, however we didn't hear back from him by the deadlines given.

Because of this, the complaint has been passed to me so that I can give a final 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.

Firstly, I'm very aware that I've summarised this complaint in far less detail than the parties and I've done so using my own words. I'm not going to respond to every single point made by all the parties involved. No discourtesy is intended by this. Instead, I've focussed on what I think are the key issues here. Our rules allow me to do this and it simply reflects the informal nature of our service as a free alternative to the courts.

If there's something I've not mentioned, it isn't because I've ignored it. Rather, I'm satisfied I don't need to comment on every individual argument to be able to reach what I think is the right outcome.

Having looked through everything, I agree with the overall outcome reached and believe the compensation offered is fair. I will explain why.

Considering everything, I fully accept that Barclays made multiple errors here. What I need to decide is whether they have done enough to put things right and compensate Mr O for what went wrong. And I think they have.

In relation to the SAR request, Barclays have explained why they weren't able to provide information relating to the mortgage applications in the first instance. They explained they have a separate tick box for mortgages alone on the form (so that customers get all mortgage related information they hold). However, Mr O had ticked basic information about himself which would cover all the information held in our records based on the product. As Mr O hadn't held a Mortgage with Barclays, they wouldn't have information to provide him.

Barclays were directed to send Mr O more information by the DPO, and they did take too long to send this. For that delay they have awarded compensation.

When looking into the delays Mr O experienced when trying to raise a complaint, I agree that even though his requests may have been sent to the incorrect mailbox, they could have been passed to the relevant department, or someone could have replied to tell Mr O where to direct his complaint. I can understand why Mr O was contacting that mailbox, as that was the department he had been speaking with all along. Again, because of this, Barclays agreed to pay further compensation.

Regarding the account closure, while Mr O says he never received the letter sent on 16 August 2018, Barclays have provided sufficient evidence to show that it was sent to the correct address. While I'm not at all saying that Mr O is being untruthful, it may have been the case that the letter was lost in the post. But that isn't something I can hold Barclays responsible for. Barclays explained the letter would have also been available through Mr O's online banking platform.

So overall, I agree that errors were made and that Mr O spent a lot of time trying to sort things out. I appreciate he was inconvenienced and had to do a lot of work to get things resolved. But I do feel the total compensation of £650 is fair and reasonable in the circumstances.

I know Mr O was hoping for a much larger amount, however at this service our compensation awards are rather modest compared to something a court might recommend for example.

### **My final decision**

My final decision is that I partially uphold this complaint.

Barclays Bank UK PLC should pay Mr O a total of £650 in compensation for errors made and delays caused. As far as I am aware, nothing has been paid yet. However if the initial offer of £550 has been paid, Barclays Bank UK PLC should pay Mr O a further £100.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr O to accept or reject my decision before 26 October 2023.

Danielle Padden  
**Ombudsman**