

The complaint

Miss W complains that TSB Bank plc gave a third-party details of transactions she'd made.

What happened

The circumstances of this complaint are well known to both parties, so I won't repeat everything again here.

In summary, Miss W is concerned that in May 2023 TSB shared her banking details with a third party. In its final response, TSB said it had no record of being contacted regarding her account in May 2023 but if a third party were to contact the bank, it would only provide information relevant to their investigation.

Miss W referred the complaint to us. She said the bank must have disclosed information about her account and she was entitled to know.

Our Investigator looked into the matter. She said the bank can't trace whether it shared information in May 2023. She explained that banks have to comply with competent authorities such as law enforcement agencies who are discharging their statutory law enforcement functions. She said it wasn't unfair for TSB to share personal data when it is necessary and proportionate for it to do so, such as for the prevention, investigation and detection of crime.

Miss W wanted the complaint to be taken further. She said TSB should have said from the start that they had been contacted. She provided copies of emails she'd obtained from a third-party stating banking enquiries had been made, along with a call recording of a conversation with the third-party confirming this process. She wanted to know why we were not doing anything for her and said TSB was not telling the truth.

As no agreement could be reached, the complaint has been referred to me to decide.

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.

Where there is a dispute about what happened – as there is here, and the evidence is incomplete, inconclusive, or contradictory, we reach our conclusions on the basis of what we consider is most likely to have happened having considered the available evidence and wider circumstances.

TSB says it can't trace whether it shared information about Miss W's accounts with a third party in May 2023 or not. Miss W has provided evidence from the third party to support that it made the request. On balance, I agree it's more likely than not that the third party did make the request and that TSB did share Miss W's account information. I say this because there is no other way that the third party could have obtained the information, for all of the reasons Miss W has already highlighted.

Whilst I agree with Miss W that it's more likely than not that TSB did disclose information about her banking, I don't agree it acted unfairly or did anything wrong by doing so. The bank's terms and conditions and its privacy notice explain what it can do with customer's personal information. There are circumstances when banks and building societies are allowed to share data with third parties. It must be necessary and proportionate for them to do so, and it only happens where strictly necessary, such as in circumstances where the firm must comply with legal obligations.

Miss W is very concerned that TSB has not been transparent with how it has handled her personal information. It's not the role of the Financial Ombudsman to decide if a business has breached data protection laws – that falls to the Information Commissioner's Office (ICO) to decide. It's open for Miss W to contact the ICO for more information and to see if it can help her in any way if she wishes to do so.

My final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss W to accept or reject my decision before 18 April 2024.

Claire Marsh
Ombudsman