

The complaint

Mr J complains that his personal data was received by a third party due to a mistake made by TSB Bank plc ("TSB"). Mr J doesn't believe the level of compensation TSB has offered is enough to settle his complaint.

What happened

TSB says it received a DSAR request for Mr J in March 2023. TSB responded to this around two weeks later.

Mr J says he received a call from a third party where he was told they had received a lot of data including his home number, account number and sort code and notes on his account within their own DSAR request.

Mr J complained to TSB about this and a data breach was logged. TSB upheld Mr J's complete and agreed there was a data breach. TSB says the data that was sent to the third party included a section of notes between 2017 and 2018 which provided information Mr J had told TSB about gambling. Data was also sent which showed Mr J's name, old mobile number, current landline number, address and date of birth and account number and sort code. TSB sincerely apologised for its mistake and offered Mr J four years protective registration with a third party organisation that could help protect Mr J against fraud and £1,000 compensation for distress and inconvenience suffered.

Mr J was dissatisfied with this and brought his complaint to this service.

One of our investigators looked into Mr J's concerns and reached the conclusion that the compensation TSB had offered was fair for the distress and inconvenience suffered and in-line with what we'd usually recommend in situations such as his – no financial loss had been suffered and they didn't think it would be fair to ask TSB to compensate Mr J for events that may or may not happen in the future.

Mr J disagreed, he wants in excess of £2,000 in compensation and has asked for an ombudsman's 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.

My role is to look at problems that Mr J has experienced and see if TSB has made a mistake or treated him unfairly. If it has, we seek to put - if possible - Mr J back in the position he would've been in if the mistakes hadn't happened. And we may award compensation that we think is fair and reasonable.

TSB have already accepted it made a mistake which led to Mr J's personal data falling into the hands of a third party. So I don't need to make a finding here. What I need to do is consider whether what TSB has offered Mr J to put things right is enough.

I should note here that this service doesn't supervise, regulate or discipline the businesses we cover. And my role isn't to punish or penalise businesses for their performance or behaviour – my role is simply to decide whether TSB's offer is a fair and reasonable way to settle Mr J's complaint. In this case it is not possible to put Mr J back in the position he'd be in if the mistake hadn't happened, but I think what TSB has offered to put things right for Mr J is fair.

TSB has accepted that there was a breach relating to Mr J's personal data and apologised to Mr J for its mistake. TSB have offered Mr J:

- A payment of £50 so that he can pay for four years' worth of protective registration to be put in place with a third party organisation in order to help protect the unauthorised use of Mr J's data in the future; and
- £1,000 compensation for the distress and inconvenience caused by the data breach.

Mr J doesn't believe the compensation offered is enough. He was embarrassed by the personal details being passed to a third party and is anxious that the information may be used negatively against him in the future. Mr J believes the severity of TSB's mistake deserves an award of a minimum of £2,000.

I have considered everything provided including what Mr J has said about the impact this mistake has had on him both mentally and emotionally and whether there has been any financial loss. And having done so I haven't seen that anyone has tried to use the personal information adversely – or that Mr J has suffered any financial loss due to the data breach.

I do appreciate the exposure Mr J felt by having his personal information released and the anxiety he must feel about someone having the ability to use this information or that a data breach could happen again in the future. But when considering a compensatory award I need to consider what has happened – not what may or may not happen in the future.

I also note that TSB has taken Mr J's concerns onboard about future use of his data with the offer of four years' worth of fraud protection.

The £1,000 compensation offered and already paid for the distress and inconvenience suffered is a significant level of compensation to reflect the impact and serious nature of TSB's mistake and one that I think is in-line with what we'd recommend in situations such as this.

So although I agree Mr J has been impacted both emotionally and mentally by TSB's mistake - as I've already explained my role isn't to penalise or punish TSB for its mistake – it is simply in this case to determine whether the £1,000 compensation offered to settle Mr J's complaint is fair. And I think it is.

My final decision

For the reasons I've explained, I've decided that the £1,000 compensation offered by TSB Bank plc to Mr J is a fair way to settle his complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr J to accept or reject my decision before 1 February 2024.

Caroline Davies
Ombudsman