

The complaint

Mr D complains about delays in receiving a Data Subject Access Request (DSAR) from Moneybarn No. 1 Limited, trading as Moneybarn.

What happened

The details of this complaint are well known to both parties, so I won't repeat them again here. Instead, I'll focus on giving my reasons for my 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.

I was sorry to hear about Mr D's experiences with ill health and I would like to extend my condolences to him on his wife's death. I'm afraid this decision doesn't bring him the news he had hoped for as I haven't been persuaded to uphold his complaint. I'll explain why.

Where the information I've got is incomplete, unclear, or contradictory, as some of it is here I have to base my decision on the balance of probabilities.

I've read and considered the whole file, but I'll concentrate my comments on what I think is relevant. If I don't comment on any specific point it's not because I've failed to take it on board and think about it but because I don't think I need to comment on it in order to reach what I think is the right outcome.

The UK General Data Protection Regulation (UK GDPR) gives people the right to find out what information a business holds about them through a DSAR. The business has one month to supply the information.

Moneybarn have supplied system information that suggests they sent the DSAR to Mr D on several occasions. The first request was responded to within the requisite time period and later requests also met that timeframe. It appears that Mr D was unable to access the link, but I've not seen evidence that would lead me to believe that was because of an error on Moneybarn's part.

Moneybarn have also confirmed that they sent the DSAR using software provided by a third party. They've explained that the software is used across the industry and is GDPR compliant. I don't think there's anything wrong with that approach; I've not seen, for instance, that Moneybarn have shared Mr D's personal information with a third party.

Ultimately, I don't think I have sufficient evidence to suggest Moneybarn have done anything wrong in respect of the provision of the DSAR.

My final decision

For the reasons I've given above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 5 February 2024.

Phillip McMahon
Ombudsman