

## **The complaint**

Miss H complains HSBC UK Bank Plc didn't process her credit card application correctly.

## **What happened**

Miss H applied for a current account and a credit card at the same time. Both were approved, but for the credit card account to be opened Miss H had to sign the credit agreement. She says she never received contact regarding this, so called HSBC multiple times to discuss this. While doing so she says formal complaints were ignored, and HSBC kept making promises they didn't keep to. Miss H was also unhappy one of HSBC's agents called her but didn't go through security. Miss H asked for the credit search related to her credit card be removed, and reasonable compensation.

HSBC say they texted and emailed Miss H multiple times about signing the credit card agreement, but as she didn't reply her application had expired. They tried to call Miss H to find out what call recordings she wanted but couldn't reach her. HSBC said Miss H told them the call without security being gone through had happened on 4 January 2023, but only the first 12 seconds of that call had been recorded and after that it disconnected. Regarding trying to complain previously, HSBC asked for more details in order to provide feedback and training if appropriate to the relevant staff. As an apology for the service Miss H had received, they awarded her £50.

Unhappy with this, Miss H asked us to look into things, explaining she'd asked HSBC to send her evidence of the texts and emails being sent – but they'd told her they couldn't do that. She said she took this as evidence of them never having been sent in the first place. One of our Investigators considered things, but overall found HSBC had dealt with things fairly as HSBC did evidence to our service they'd sent the texts and emails.

Miss H didn't agree. She said she couldn't prove a negative in that she couldn't prove she'd never received the texts or emails, and thought it wrong our Investigator had accepted this evidence from HSBC. She was also concerned at HSBC's inability to provide the calls she'd asked for. Because matters couldn't be resolved, Miss H's case has been passed to me to decide.

I understand since Miss H asked for a Data Subject Access Request (DSAR) this was being processed in October 2023. I can see Miss H has suggested this is further evidence of HSBC's systems not working effectively as she'd previously asked for this.

## **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 think I need to make it clear in this complaint if I'm satisfied HSBC have sent the texts and emails they say they have, then I'm not going to be able to uphold Miss H's complaint.

I've seen Miss H say she can't prove a negative, and I take her point. She says she never received the texts or emails, so can't prove she never received them as how can she do that. She's pointed to various other issues with HSBC's processes as evidence their systems are faulty and means they never did send the texts and emails.

One of the issues she's pointed at relates to phone calls – and that HSBC can't provide a copy of all the calls she's asked for. I have thought about this carefully, as presumably since October 2023 HSBC have since processed her DSAR she's now got the calls. She's not contacted us to tell us about them – but I've decided these calls won't make a difference to the outcome of the case I'm reaching.

The reason I say that is because it's HSBC's position they've sent the texts and emails. I've seen internal screenshots to show these were sent. The texts were sent to the same phone number Miss H has provided to our service – and the emails sent to the same email address she provided to our service.

Although I do understand Miss H's frustrations, I'm afraid I've seen nothing to suggest these texts and emails weren't sent as HSBC have said they were. And, as I've mentioned above, HSBC seem to have the correct details for Miss H.

Miss H has said she called up multiple times, but HSBC weren't able to track these calls. In total they gave her £50 compensation for the poor service Miss H said she received. I've seen our service ask HSBC for further calls, but they've said they've got nothing more they can provide. And, as we've not heard from Miss H, it seems reasonable for me to assume she's got nothing further to provide. In the circumstances, I think the £50 HSBC have offered to resolve these issues is fair. It's unclear if this amount has already been credited to Miss H's account.

### **My final decision**

HSBC UK Bank Plc have made an offer of £50 which I think is fair in all the circumstances.

So, my decision is HSBC UK Bank Plc should pay Miss H £50 if they haven't already.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss H to accept or reject my decision before 1 March 2024.

Jon Pearce  
**Ombudsman**