



The complaint

Miss A complains on behalf of her father, Mr A, that Bank of Scotland Plc sent information relating to his account to Miss A.

What happened

In January 2023 Mr A attended his local branch to open a new account, switching from an account at his old bank. Soon afterwards Miss A started receiving emails and text messages with sensitive information about his account details, including his PIN. Miss A contacted Bank of Scotland and gave Mr A's up-to-date contact information but she continued to receive communications from the bank about Mr A's account.

Bank of Scotland said that it was not a data breach because Mr A had had a credit card with it which was set up in 2014 and gave Miss A's details as his contact details. It did say however that when Mr A attended the branch to open his new account, his contact details should have been updated. It offered £50 compensation. It said that Mr A would have to attend the branch to update his contact details.

On referral to the Financial Ombudsman Service, our Investigator said that Bank of Scotland should increase the compensation to £200 in respect of the distress and inconvenience caused to Mr A.

Bank of Scotland accepted the proposed increased award. On behalf of Mr A, Miss A did not accept the award. They did not think it sufficient to compensate for the distress caused to Mr A and the inconvenience caused to him by having to make multiple trips to the bank..

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.

So far as I can see, Bank of Scotland used Miss A's contact details for Mr A's new account because he had previously had a credit card account with it which was linked to Miss A's contact details. Yet this account closed in 2019. Bank of Scotland isn't able to tell us exactly what happened during Mr A's meeting at the branch as its complaints manager hasn't received a response from the said branch. I think it's fair to say that if a customer is setting up a new account and the only contact details available are at least nine years old and relate to a closed account, the contact information should have been updated. I think it most likely that the branch failed to get this information from Mr A and then contacted him using the out of date information from its files.

I understand that it would have caused Mr A distress to know that his confidential contact details were being sent to his daughter, even more so when Miss A gave the bank his updated contact details. I accept however that in those circumstances it was appropriate to require Mr A to attend the branch to make sure his contact details were updated with his full consent.

I've taken into account the distress caused to Mr A and the inconvenience caused to him for having to re-attend at his branch. I do think that however that the compensation award of £200 proposed by our Investigator is fair and reasonable, and is in line with awards we've made in similar circumstances.

Bank of Scotland has indicated that it does not believe that it breached Mr A's data protection rights. That's not a matter that I can determine. If Mr A has concerns about Bank of Scotland's handling of his data he should contact the Information Commissioner's Office.

Putting things right

Bank of Scotland PLC should pay Mr A £200 compensation..

My final decision

I uphold the complaint and require Bank of Scotland Plc to provide the remedy set out under "Putting things right" above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 15 November 2023.

Ray Lawley
Ombudsman