

The complaint

Ms L complains Bank of Scotland plc trading as Halifax (Halifax) breached her privacy by sending an email to her grandson about an appointment she had made.

What happened

Ms L says she contacted Halifax to make an appointment to discuss the interest rate on her savings account and discovered Halifax had sent an email to her grandson's email address to both confirm and subsequently cancel the appointment. Ms L says she doesn't hold an email account, nor does she hold a joint bank account with her grandson. Ms L says she has also been sent several text messages from Halifax asking her to update her email address although she doesn't hold one.

Ms L is concerned Halifax breached her privacy and wants a full explanation why this has happened and doesn't feel the compensation it has paid of £100 goes far enough.

Halifax apologised to Ms L and said her grandson's email address had been held on its records since February 2011 until removed in May 2023 and paid her £100 for the inconvenience caused. Halifax followed this up in a letter dated 3 August 2023 to reiterate the email address had been removed. Halifax says as Ms L is registered for online banking it had been sending text messages as it requires an email address to be provided. Halifax says as Ms L doesn't make use of the online banking facility, this can be removed if she contacts them, and then the text messages will stop.

Ms L wasn't happy with Halifax's response and referred the matter to this service.

The investigator looked at all the available information but didn't uphold the complaint. The investigator says given the length of time that has passed since her grandson's email details were added to her records, there wasn't sufficient evidence to show there had been a bank error. The investigator felt Halifax had responded to Ms L's complaint fairly and reasonably and confirmed the text messages she received were sent because she had no email address registered on her online banking records, but this will stop once the online banking facility is removed.

Ms L didn't agree with the investigator's view and asked for the matter to be referred to an ombudsman for final 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.

Having done so, I won't be upholding this complaint and I will explain how I have come to my decision.

I can understand it would have been upsetting for Ms L to have details of her bank branch appointment sent to her grandson when she has no banking account relationship with him.

When looking at this complaint I will consider if Halifax breached Ms L's privacy and if it has done sufficient to put matters right. Both parties are aware of the background to this complaint, so I don't intend to repeat all that has been said previously.

Ms L's complaint centres around the fact Halifax sent emails to her grandson's email address relating to an appointment she made with them, although she has no banking relationship with him. Additionally, Ms L is upset Halifax have been sending text messages to her asking for her email address to be updated, even though she doesn't have one.

I understand the points Ms L makes and without trying to minimise the frustration this matter would have undoubtedly caused her here, I have to consider the fact the grandson's email address was added to her profile around twelve years ago, so it's not possible given the time that has passed, for me to say with any certainty that was purely an error of Halifax's making. It's also fair to say, in any event, no evidence has been provided to show an email relating to a bank appointment was a major breach of Ms L's privacy, although I accept that may have been a source of embarrassment for her.

What I would say is, even if this was a technical error made by Halifax back in 2011 and not information provided by Ms L, it's not my role to penalise businesses when genuine mistakes like this occur, but to ensure an apology is made, the error is corrected, and a suitable level of redress is offered. I am satisfied that has happened here as Halifax have apologised for the inconvenience and have now removed the email address from its records and taken steps to remove the text messages she has been receiving asking for an email address.

Additionally, although Halifax can't trace its records as far back as 2011 when the email address was first registered with them, it has paid Ms L £100 for any inconvenience this may have caused her, and I'm satisfied that is a fair and reasonable offer.

While Ms L will be disappointed with my decision, I won't be asking anymore of Halifax here.

My final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms L to accept or reject my decision before 22 February 2024.

Barry White
Ombudsman