

## The complaint

Ms C complains that Lloyds Bank PLC sent copies of her bank statements to different persons including her ex-partner, causing her severe emotional distress.

## What happened

A request was made at a branch of Lloyds on 2 November 2022 by Ms C's ex-partner for copies of bank statements relating to an account which had been in joint names up until February 2018. The request was for statements relating to that account when it had been in joint names. Because the colleague in branch inputted the sort code and account number, the first batches of statements went out with a covering letter to Ms C's address. But further batches of statements went out without a covering letter and were received by a neighbour (because an incorrect address was input manually) and by Ms C's mother as it was her former address, and by Miss C's ex-partner. The error was compounded because it included statements relating to the time after 2018 when the account was in Ms C's sole name. Ms C is currently going through divorce proceedings.

Ms C went into the branch of Lloyds and raised a complaint to the manager who initially refused to believe her. Unfortunately at that stage, the complaint wasn't taken further. Lloyds subsequently carried out a full review of the circumstances and offered Ms C £2,000 compensation and to consider any additional legal costs she had incurred as a result of the matter. It also set out that it had reviewed the processes involved in sending out information by post. It further advised Ms C that as this was a breach of its obligations concerning data protection, it had reported the matter to the Information Commissioner's Office (ICO).

On referral to the Financial Ombudsman Service, our Investigator said that in considering the impact of the error on Ms C, Lloyds' offer of compensation was fair and reasonable. Ms C did not agree. She pointed out that:

- Her ex-partner was incredibly controlling and questioned her and examined statements on everything she spent money on. So when they separated having complete financial independence was a joy and so important to her. So knowing that her ex-partner had access to her bank accounts after they separated felt like the biggest invasion of privacy. The emotional impact on her was really severe, they were in the middle of financial disclosure in the divorce proceedings which her ex-partner then stopped complying with at all.
- She suffered health issues and was signed off work by her GP, resulting in her having to use up some of her annual leave.
- She has tried to explain that her legal costs as a result are impossible to quantify – she can't prove that her ex-partner stopped complying with financial disclosure because of this. She believes her ex-partner is still trying to use all means possible to cause a disruptive impact on her life including deliberately driving up her legal fees.

I issued a provisional decision. In it I said that I thought that Lloyds should increase the compensation paid to £3,000.

Lloyds accepted my provisional findings.

Ms C acknowledged my provisional decision but has not responded substantively to it.

### **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 provisional findings are set out below, in italics:

*"As an initial point, I've noted that in her response to the Investigator's view Ms C mentions how the investigation was handled when Ms C referred her complaint to the Financial Ombudsman Service. I understand that the Investigator has spoken to her concerning this, so I won't address that point any further.*

*I have considered in full her detailed statement which I have taken into account in making this decision.*

*Lloyds very clearly made a number of serious errors which resulted in it releasing bank statements to previous addresses, a neighbour's address, and most seriously to Ms C's ex-partner. This was compounded by its error in not initially believing her when she visited the branch and then in not taking the complaint forward. I've noted that Lloyds has carried out a review of this process so that the error in posting out statements without covering letters doesn't happen again. I have further noted that Lloyds has made a report to the ICO. I'm aware that Ms C is considering taking that matter further. That is a matter for her - she is also free to report the matter to the ICO herself, although the ICO does not award compensation to consumers.*

*I have to assess the impact on Ms C as a result of this error. And I accept that it has caused her severe emotional distress. Whilst we do not know if her ex-partner actually looked at the information, I don't doubt that the thought that her ex-partner might know about her regular spending was very upsetting for her. Lloyds has offered £2,000. As our Investigator has advised Ms C, an award of over £1,500 and up to around £5,000 is appropriate where the business's mistakes caused sustained distress, potentially affecting someone's health, or severe disruption to daily life typically lasting more than a year.*

*I think the impact on Ms C is more about what might happen as a result of her ex-partner being in receipt of the information on her bank statements, rather than what has happened. As she had said, it's really not possible to say that her ex-partner's stopping complying with financial disclosure is because of the release of those statements, but it is an added anxiety for her. I understand that some of the statements have been returned to her but we don't know whether her ex-partner has looked at or used any of the information in the statements. I note that Ms C says she has incurred a financial loss because of having to take part of her annual leave as sickness. As she is clearly going through distressing divorce proceedings, I can't say whether the full impact on her health is solely as a result of the release of the statements. It is clearly a factor though difficult to quantify. I understand that Lloyds has offered to consider any increase in her legal costs, but I also appreciate that this may not be possible to quantify. I can't award compensation for what might happen, but I have reviewed the amount offered taking into account the additional information Ms C has supplied to us. I think that Lloyds should increase the compensation award to £3,000. This takes into account her anxiety about possible financial losses due to her being signed off sick. It also takes into account the additional emotional distress that Ms C must clearly have experienced because she felt that her ex-partner might be using the information contained in the bank*

*statements to increase her legal costs.*

*Having said that, and whilst I understand that it might not be possible to quantify them, Lloyds should still keep to its offer to consider any additional legal costs Ms C has incurred because of its errors. Regrettably I can't tell her solicitor how to quantify such costs, but they may be able to point to any costs involved in advising Ms C about the issue of the bank statements being made available to her ex-partner."*

As neither party has made any substantive comments on my provisional findings, those findings are now final and form part of this final decision.

### **Putting things right**

Lloyds should pay Ms C £3,000 compensation.

It should also consider payment of any additional legal costs that Ms C has incurred because of its errors.

### **My final decision**

I uphold the complaint and require Lloyds Bank 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 Ms C to accept or reject my decision before 27 December 2023.

Ray Lawley  
**Ombudsman**