

The complaint

Mr H complains that Barclays Bank UK PLC has failed fully to comply with his subject access request (SAR) for documents despite him making the request a number of times, and that it failed to respond to his complaint.

What happened

Mr H says that he first made the request to Barclays on 27 June 2022. He says that he followed that request up with further requests on 12 October 2022 and 21 January 2023. He says that he reiterated those requests, and made a complaint about the failure to give him a full response, on 10 March 2023. He says that he still has not received a full response to his requests.

On referral to the Financial Ombudsman Service, our Investigator said that from the information Mr H provided, it seemed as though he had received a response to his SAR requests, but that the documents contained were not what he wished for. She said that from what she'd seen Barclays had acted reasonably in dealing with the SAR request. At that stage Barclays had not sent its file, but it has now been received, which is in part why I am making this provisional decision.

Barclays has said that it responded to Mr H's SARs on 8 and 29 July 2022 (it says in its response to us 2023, but I assume that was an error for 2022, when compared to its file notes) and also on 26 October and 10 November 2022. It said that if Mr H still requires an SAR it is willing to provide this but would need to know what information he requires.

Mr H believes that Barclays has persistently failed to disclose documents he'd requested as part of the SAR process.

I issued a provisional decision. In it I said I didn't think that Barclays had responded to Mr H's complaint properly and that it should pay compensation of £50. I further said that it should provide copies of the letters that Mr H has requested. And that if Mr H indicates to me what other documents he still requires I would consider whether it would be reasonable to ask Barclays to supply them.

Barclays accepted my provisional findings. It indicated that it will raise an SAR for the specific information once the FD is received (so it can ensure that no further documents are required by Mr H).

Mr H was not happy. He believes that he's made clear and precise requests for information and that Barclays has obstructed these. He further states that he still has not received information such as call transcripts, in a clear format.

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 set out below my provisional findings, in italics:

"I have noted that there is a certain lack of evidence from both sides in this case. Where the evidence is incomplete or contradictory I will make my findings on what I consider is more likely than not to have happened.

As I've said, Mr H tells us he first made his request for an SAR on 27 June 2022. Barclays' notes indicate that on 29 July 2022, it sent some voice recordings and followed this up with other documents. Mr H says he made a further request on 12 October 2022, and from Barclays' notes I see that further documents were sent to him on 10 November 2022. In both cases I don't know what documents it sent, nor has Barclays been able to provide copies of its responses to his requests. While Barclays advises that further responses to his SARs were sent on 8 July 2022 and 26 October 2022, no evidence of that appears in the notes.

Mr H has provided us with a copy of a letter he sent to Barclays on 10 March 2022. This letter set out the copies of letters and their dates that he required. He says he received a response from Barclays' data protection team on 22 March, but these were copies of documents he'd already been sent. I haven't seen a copy of that response, nor does it appear in Barclays' notes.

I am conscious of the lack of evidence from Barclays' side. But as far as I can see it did comply with Mr H's SARs of 27 June and 12 October 2022. I think it likely also that it did receive his letter of 10 March 2023 which should have been handled as a complaint as well as a further request for certain documents. In light of the fact that he didn't receive a response to his complaint I think that Barclays should pay compensation of £50.

As regards a further response to his SAR, Mr H has said that he wants copies of the following documents:

- Barclays' letters to him of 5, 6 and 14 April 2022.*
- His letters to Barclays of 27 June and 12 October 2022 and 21 January 2023.*

I think it's fair and reasonable for Barclays to provide copies of the above letters or to advise that it either does not have such copies or why it would be unable to provide them. In response to this provisional decision, Mr H should advise me whether there are any further documents he requires and I can consider whether it would be reasonable to ask Barclays to provide them."

Whilst I fully understand that Mr H is unhappy with what Barclays provided, I have to bear in mind that I have not seen evidence of what Barclays has provided nor is Mr H prepared to set out exactly what documents he wants. I've also not seen copies of Mr H's SARs which I understand he may not still have but which may be contained in the letters set out above.

So what I will do is require Barclays to provide Mr H with copies of the letters set out above. It should further consider any SAR which Mr H may make once he receives the copy letters. As I don't know what it has already sent, even if Barclays thinks it will be sending duplicates it should nevertheless send those. If Mr H is still unhappy with what he has received then I can only suggest that he refers the matter to the Information Commissioner's Office (ICO).

I do note that Mr H has advised that he's made SARs concerning other complaints which he has made about Barclays to the Financial Ombudsman Service. If he has not done so already, he may want to consider making an SAR to the Financial Ombudsman Service for any documents or call recordings received from Barclays in respect of those complaints.

Putting things right

- Barclays should pay Mr H £50 compensation.
- It should further provide Mr H with copies of the letters as set out above, or advise that it either does not have such copies or why it would be unable to provide them.
- If, after receiving the copy letters Mr H makes a further SAR for specific documents, Barclays should comply with that SAR so far as it is able to do so.

My final decision

I uphold the complaint and require Barclays Bank UK 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 H to accept or reject my decision before 27 December 2023.

Ray Lawley
Ombudsman