

The complaint

Mr and Mrs H complain that Barclays Bank UK PLC lost a 'Barclaysafe wallet' that it had been holding for them.

Mr and Mrs H want Barclays to compensate them for the monthly fees they paid together with the distress caused by the loss.

What happened

Mr and Mrs H had used the Barclaysafe service to store their property deeds for many years.

In March 2023, Mr and Mrs H asked Barclays for the wallet. After Mr and Mrs H chased the return of the wallet, Barclays made a second request to try and retrieve it before confirming that it could not find the wallet

Mr and Mrs H say that the loss of the wallet has caused sleepless nights due to the worry about their personal data falling into the wrong hands. Mr and Mrs H say that they will need to incur additional costs with the HM Land Registry (HMLR) if they want to sell the property.

Mr and Mrs H weren't satisfied with Barclays offer to pay £150 compensation so they came to our service for help.

Barclays then made a revised offer of £350 to settle Mr and Mrs H's complaint. Our investigator thought that this improved offer fairly recognised the distress caused by Barclays mistake.

Our investigator said that Barclays has confirmed that the missing deeds are available electronically from HMLR and that it had provided copies to Mr and Mrs H.

Mr and Mrs H are unhappy with the investigation outcome. They point out that they have paid more than £550 in fees to keep the deeds safe and don't know when Barclays lost them internally. Mr and Mrs H say that the award of compensation should be higher as there has still been a data breach.

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 realise that I have summarised this complaint in less detail than the parties and I have done so using my own words. I have concentrated on what I consider to be the key issues. The rules that govern the Financial Ombudsman allow me to do this. But this does not mean I have not considered everything that both parties have given to me.

I should also say that it is not the role of the Financial Ombudsman to decide if a business has breached data protection laws – that falls to the regulator to decide. And we can't discipline or fine the businesses that we cover. We can however consider whether a business should compensate a consumer where it has made a mistake which relates to a

regulated activity that we are allowed to consider under the rules that govern our service.

I fully understand Mr and Mrs H's concern when Barclays lost their Barclaysafe wallet – particularly as it contained important documents. Although I can't say for certain that the wallet was lost internally – it seems the most likely outcome given there is no indication that Barclays gave the wallet to anyone else. I hope that this gives Mr and Mrs H some reassurance that their data has not fallen into the hands of anyone other than Barclays. However, if Mr and Mrs H still have concerns about the security of their data, they can of course raise this with the relevant regulator – the Information Commissioner's Office.

I agree that it's difficult to know at what point Barclays lost the wallet, so I can understand why Mr and Mrs H would like more compensation to reflect the fees that they have paid over the years. I have thought carefully about this but I am not asking Barclays to refund the storage fees. This is because I consider it unlikely that the wallet has always been lost. It seems more likely that Barclays misplaced the wallet in more recent times – particularly as it has been winding down the service and not offering storage facilities to new users since October 2019. But I understand why Mr and Mrs H might disagree with my assumption.

I think Barclays offer to pay Mr and Mrs H £350 to apologise for the distress caused by its mistake is fair. It falls within the range of award we might make where the mistake has caused considerable upset and significant inconvenience. Our approach to awards such as this can be found on our website.

When deciding this complaint, I take account of the fact that as the property is registered with HMLR, Mr and Mrs H can access the property information electronically should they need to in the future. HMLR says itself that if a property is registered, original deeds are not needed to confirm ownership. Again, I understand that the lack of original deeds is frustrating for Mr and Mrs H, but I can't see that it will cause a financial loss for them in the future.

My final decision

I think Barclays has already made an offer which is fair. So, my final decision is that Barclays Bank UK PLC should pay Mr and Mrs H £350.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H and Mr H to accept or reject my decision before 8 March 2024.

Gemma Bowen
Ombudsman