

The complaint

Mr P has complained to us about the way National Westminster Bank Plc (NatWest) dealt with his current account in relation to a default it applied and also overdraft charges.

What happened

Mr P is unhappy that NatWest didn't apply a default to his account until 2020, despite his being a in debt management plan since 2017.

Mr P is also unhappy about overdraft charges that were added to his account after November 2019.

In addition, he is unhappy with the information NatWest provided to him in response to his subject access request (SAR). This has necessitated a second SAR request being issued.

Our investigator said we couldn't look at the part of Mr P's complaint about overdraft charges because it had already been looked at by this service. And whilst we were unable to look at matters relating to the information NatWest provided when responding to Mr P's SAR, we *were* able to consider NatWest's delay in responding to an SAR.

Our investigator therefore thought the sum of £175 was appropriate compensation for NatWest's delay in responding to the second SAR.

Because Mr P is unhappy with our investigator's finding, his complaint has been passed to me for an ombudsman's 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.

First, I would like to record that I am disappointed that NatWest has failed to provide the information relating to this complaint that was first requested by our investigator in October 2023. Our investigator has already responded to NatWest's request to create a separate complaint, explaining why this isn't required or necessary.

This service cannot expect any consumer to wait for an answer from us longer than is either reasonable or necessary. So it is right that Mr P's complaint is brought to a conclusion now, based on the limited information we have available.

I appreciate that Mr P brought this complaint to us in order for us to address issues in relation to long-running issues he's had with NatWest regarding his overdraft. He has asked this service to consider issues covering a specific timeframe – between November 2019 and January 2020. But, as our investigator has explained to Mr P in some detail, we have already looked into what happened during this period of Mr P's overdraft, including

the issue Mr P has raised about the default that was applied to his account in 2020. Mr P's earlier complaint about this led to a comprehensive ombudsman's final decision on the matter being issued in April 2023.

I therefore agree that as a service we are unable to look into the merits of the overdraft complaint and nor can I as an ombudsman make any further findings. I'm sorry that we are unable to help Mr P further on this point, but hope he now understands the reason why that is.

I now turn to NatWest's handling of Mr P's subject access request. Again, I would like to clarify that whilst it is outside the remit of this service to look into the content, or lack of, relating to an SAR, we can consider the way that NatWest handled the SAR request itself. This could, for example, include looking at whether NatWest has acted fairly and reasonably in the service it has provided when acknowledging and responding to that request.

I've seen that NatWest has offered Mr P £100 in compensation due to an error it made with his first subject access request. Having considered the nature and impact of that error, I think that's fair.

I've also seen that Mr P has waited for over four months – until 11 January 2024 – for NatWest to respond to a second SAR he'd made on 30 August 2023. This further SAR was prompted by findings made by the Information Commissioner's Office (ICO).

The ICO requires businesses to comply with an SAR without undue delay and at the latest within one month of receiving a request. Our investigator has proposed an award of £175 compensation for the delay and the impact it has had on Mr P's health, which I was concerned and sorry to learn of. I think the award is fair and reasonable in the particular circumstances of this complaint.

Putting things right – what NatWest needs to do

It follows that I think it's fair and reasonable for NatWest to pay Mr P £175 by way of compensation for the delay in responding to his further SAR request.

It remains open to Mr P to raise any issues he wishes to with the ICO in relation to the content of the SAR or other aspects which aren't connected to the delay should he wish to.

NatWest must also ensure it pays Mr P the £100 it previously offered him due to the error it made with his first SAR request, if it has not already done so.

My final decision

For the reasons I've set out above, I uphold this complaint and require National Westminster Bank Plc to pay Mr P £175 by way of compensation. It should also pay him the £100 it previously offered him, if it has not already done so.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr P to accept or reject my decision before 21 March 2024.

Michael Goldberg
Ombudsman