

## **The complaint**

Mr S is unhappy with Bank of Scotland plc trading as Halifax regarding two issues. Firstly, in relation to the handling of his direct debit claims and secondly his Data Subject Access Request (DSAR).

## **What happened**

Mr S said Halifax should have processed his direct debit indemnity claims and he wants it to honour the direct debit guarantee.

Also, Mr S made a DSAR to Halifax and he's unhappy with the service and information it provided. Halifax accepted that it had made mistakes and offered £70 compensation. Mr S didn't accept this and brought his complaint to this service.

Our investigator didn't uphold the complaint. She noticed the direct debit issues had already been dealt with by this service under another separate complaint for Mr S. Our investigator confirmed because of this she couldn't make a finding on the point. Regarding the DSAR issues she noted the specific details Mr S requested were no longer available according to Halifax. Our investigator said that the apology and the £70 compensation for the service and processing delays offered by Halifax was reasonable.

Mr S didn't accept this and asked for his complaint to be passed to an ombudsman for a 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.

Mr S has already had a final decision from this service under a separate case reference number regarding the direct debit claims and guarantee. So, I won't be commenting on that point any further and I won't be making a finding on it.

I can consider the service Mr S received around his DSAR. It's clear that Mr S made several requests and didn't get everything he wanted. He said he was sent *"3 separate parcels on 3 separate occasions all containing pages upon pages of the same information and containing everything but the data I specified"*.

Halifax said *"Thank you for emailing me about your Data Subject Access Request (DSAR) for the online webchats since 2022. I've contacted our DSAR team to update me on the progress of your request however they confirmed to me your webchats from 2022 can't be located unfortunately. If you still require this information from us please can you provide me with the date and time you last spoke with our mobile messaging team which can be viewed via your mobile banking app."* This response suggests Halifax did make further attempts to try and find these details but were unsuccessful.

Mr S feels that Halifax deliberately lost the data. He said it admitted to *“sharing my data multiple times with third parties without my authority.”* Mr S hasn't been able to provide any further details as part of his evidence.

Our investigator noted Halifax had confirmed it only retained the webchats for 13 months and that length of time had passed. I don't have any evidence that Halifax deliberately lost the data Mr S was requesting. Based on that and the details above confirming Halifax did continue with its attempts to find the webchats I don't think I can say Halifax has acted unreasonably.

Halifax did accept that it didn't deal with Mr S's original DSAR request when he first asked it to. But it did apologise for the poor service, picked up the matter internally with the staff involved, and it did offer £70 as compensation for the errors made. I think based on the details and evidence provided that's reasonable.

### **My final decision**

I don't uphold this complaint.

I make no award against Bank of Scotland plc trading as Halifax.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 15 March 2024.

John Quinlan  
**Ombudsman**