

The complaint

Miss K complains that Santander UK Plc made an unauthorised disclosure of her bank statement to a family member causing embarrassment and loss.

What happened

Miss K said she was on her way to work and asked a family member to pay in a cheque on her behalf. Santander gave the family member a receipt and a full bank statement. Miss K said this caused her a lot of problems as the family member told other family members.

Miss K phoned Santander and it accepted there had been a breach of her data and offered her £150 compensation followed by a further £25. Miss K was unhappy with the offer as she was so embarrassed she did not want to face her relatives. She said she was still experiencing anxiety from the situation sometime afterwards and moved to her mother's home whilst having medical treatment, affecting her wish to downsize her property. Miss K said she cannot do anything financial now as all her family know her bank balance. Miss K complained to Santander.

In its final response to Miss K's complaint Santander apologised for providing a mini statement to a third party and said it had reported this breach of Miss K's data. Santander subsequently increased its offer of compensation to £350.

Miss K was dissatisfied with Santander's response and referred her complaint to our service. Miss K wants at least £3,000 compensation. She said she had to cancel her holiday and needed assistance at work as she had no energy.

Our investigator recommended Miss K accept the revised offer of compensation from Santander. She said Santander made a mistake but can't be responsible for what Miss K's relative did with the account information.

Miss K disagreed with the investigator. She said it was a full statement not a mini statement that was handed to the relative. Miss K requested an ombudsman review her complaint.

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 can understand the distress and anxiety Miss K has described at the breach of her account information to her relative. I'm pleased that Santander apologised for its poor service in response to Miss K's complaint.

Miss K said it was a full statement, but hasn't provided anything in support of this. Santander has assured us that it was a mini statement. These contain very limited information and are printed out by ATMs or automated cheque machines on demand. However, this information is clearly for the benefit of the account holder, not others.

I can see that Santander acted in breach of its policy on data protection. I have looked at Santander's response to this mistake to see if it has addressed the issues and paid reasonable compensation for the effects of what happened on Miss K.

Santander has said that it has taken steps to record the data breach and I hope this means a similar event is less likely in future. Miss K has described the effects of the data breach on her. She said she has suffered with anxiety which has affected both her home life and work life, and moved back in with her mother and cancelled her holiday.

I was sorry to learn about what has happened to Miss K and how this situation affected her interaction with her family. However, I agree with the investigator that Santander cannot be held wholly responsible for that. When we consider the impact of a mistake in terms of the appropriate compensation, we consider what is foreseeable and unforeseeable and what might reasonably be expected as an impact, including the severity.

Miss K says that her relative acted and shared the information from the statement. These actions weren't foreseeable by Santander. Miss K trusted her relative to pay in her cheque, but Santander weren't aware of the distrust about Miss K's account that lay beyond this. Santander are not responsible for any subsequent actions that Miss K's relative has taken in sharing that information with other family members, or the interactions with Miss K by her relatives.

Putting things right

All-in-all I think Santander's offer of £350 compensation is fair and reasonable in the circumstances of the complaint, and is slightly higher than awards I have seen in other similar complaints involving data breaches.

If Miss K remains of the view that appropriate compensation should be £3,000 then she should consider rejecting this decision and taking legal advice about pursuing legal action, as only a court can award damages.

My final decision

For the reasons I have given it is my final decision that the complaint is upheld. If Miss K accepts this decision I require Santander UK Plc to pay Miss K total compensation of £350 for the distress and inconvenience its data breach has caused her.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss K to accept or reject my decision before 6 May 2024.

Andrew Fraser
Ombudsman