

The complaint

Ms W complains that Bank of Scotland plc trading as Halifax breached her data.

What happened

Ms W had a joint account with her late mother. When Ms W's mother passed away, Ms W found out that Halifax had breached her data, and she says this was shared with her sisters and their solicitor. When Ms W found this out, she requested no bank statements to be sent, and she did not authorise the release of any information. Ms W says she spoke to Halifax who confirmed joint bank statements were ordered on 4 January and 18 January 2022. Ms W made a complaint to Halifax.

Halifax upheld Ms W's complaint and offered her £500. They acknowledged that the data breaches occurred. They said as a result of a bank error they've provided date of death balances to a third party solicitor. Halifax said the solicitor also requested seven years of statements on 4 January 2022 and again on 18 January 2022, and these requests were fulfilled. Halifax said that for confidentiality reasons they can't provide Ms W with a copy of any letters they received from any third party or a copy of the earlier will they were presented, but they assured her that they won't provide any third party with any further information. Ms W brought her complaint to our service. She also made a separate complaint brought on behalf of the estate of her late mother, which is being dealt with separately.

Our investigator said that the £500 offered to Ms W to represent the distress and inconvenience of the joint account statements being disclosed to unauthorised parties – primarily used for her late mother was a substantial offer. Ms W asked for an ombudsman to 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.

Ms W has made a number of points to this service, and I've considered and read everything she's said and sent us. But, in line with this service's role as a quick and informal body I'll be focusing on the crux of her complaint in deciding what's fair and reasonable here.

I must make Ms W aware that I'll only be focusing on what happened as regards to her data breach. I'm aware Ms W has another complaint with our service which she has brought on behalf of the estate of her late mother. But she will be receiving a separate outcome regarding this complaint in due course.

Halifax have admitted that they breached Ms W's data. And this was not a one off occasion. So I can understand the strength of feeling that Ms W has about what has happened. But Halifax's errors happened when Ms W was very vulnerable, having just lost her mother, which I understand she was very close to her.

Ms W's data wasn't just given to anybody. It was given to third parties which would have been the last people she wanted to see her data. So what happened here would be very distressing for Ms W.

I know Ms W asked Halifax for information that the third party solicitor (and/or her sisters) sent them, and she feels that they should be able to do this, especially as Halifax have breached her data. But I'm unable to ask them to breach their confidentiality rules to give Ms W this information, even though they have previously breached her data.

So I've considered what would be a fair outcome for this complaint. I'm unable to ask Halifax to pay for any solicitor costs she may have incurred here, as she would have been able to bring a complaint against Halifax without using a solicitor for the data breaches.

Halifax offered Ms W £500 for their role in what happened here. Although Ms W may feel that further compensation is proportionate for the repeated data breaches, I must explain to her that our awards are not designed to punish a business or to make it change the way they act in order to protect other customers in the future. That is the role of the regulator. We sometimes award compensation if we feel that a business has acted wrongfully and therefore caused distress and inconvenience to their customer over and above that which naturally flows from the event.

The compensation Halifax offered Ms W for what happened is in line with our awards considering the vulnerable state Ms W would've been in at the time. So it follows I'll be asking Halifax to pay Ms W the £500 they offered her, but only if they haven't done so already.

My final decision

Bank of Scotland plc trading as Halifax has already made an offer to pay £500 for distress and inconvenience to settle the complaint and I think this offer is fair in all the circumstances.

So my decision is that Bank of Scotland plc trading as Halifax should pay Ms W £500 compensation (only if they haven't already done so). But I won't be requiring them to do anything further.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms W to accept or reject my decision before 19 April 2024.

Gregory Sloanes
Ombudsman