

## **The complaint**

Ms D complains that a member of National Westminster Bank Plc's ("NatWest") staff accessed her account without a legitimate reason for doing so. Ms D believes as a result financial information from her account was passed to her ex-husband. This has impacted Ms D both mentally and financially and doesn't believe the level of compensation NatWest has offered is enough.

## **What happened**

Ms D was going through a divorce and during a divorce hearing it was mentioned that she was working extra hours. This led Ms D to question NatWest as to whether anyone had accessed her account with NatWest unnecessarily.

Ms D raised this with NatWest. For technical reasons NatWest couldn't protect Ms D's account with a passcode as Ms D wanted, but it agreed to launch an internal investigation. NatWest acknowledged that it had failed to provide Ms D with a call back within a reasonable time when she raised her concerns and compensated her £100 in recognition of this service failing.

The result of NatWest's internal investigation concluded that one of its staff members did inappropriately access Ms D's account. It is understood that NatWest have taken appropriate steps to deal with this issue and it is taken very seriously. In recognition of the data breach and distress and inconvenience caused by this it compensated Ms D a further £350.

Ms D was unhappy with this and brought her complaint to this service. Ms D believes it was her ex-husband's sister who accessed her account and says she has seen her glaring at her outside her home since and become the victim of intimidation because of it.

Ms D says that NatWest's mistake has had a significant impact on her both mentally and financially. In particular she says she has suffered financially due to:

- Extra legal costs from her barrister due to having to carry out further investigations and repeat the financial reviews totaling £3,246.12;
- Security costs for alarms and CCTV amounting to £570; and
- Change of locks amounting to £160;

NatWest doesn't dispute one of its staff members viewed sensitive information without a business need or that Ms D has suffered some financial losses, but says most of the losses would've been payable regardless of the actions of its staff member. In particular, Ms D's financials and earnings would've been disclosed during her divorce proceedings and that due to Ms D having safeguarding concerns it's likely her locks would've needed to be replaced anyway.

One of our investigators looked into Ms D's concerns but didn't believe the issues Ms D faced with her ex-husband and sister-in-law were caused by NatWest or the result of

NatWest's error and so didn't think it would be fair to ask it pay the additional security costs at her home.

Furthermore, they didn't think that they could safely conclude from the evidence provided that the unauthorised access to her account was the only way her ex-husband would've found out about her finances, nor could they say how much additional time if any Ms D's barrister spent on her divorce proceedings because of this. And so they reached the conclusion that increased compensation from £350 to £500 is fair and in-line with what we'd usually recommend in situations such as hers and to which NatWest agreed.

Ms D disagreed, she doesn't believe £500 is a fair and just settlement for the severe breach. She says NatWest has made assumptions regarding her having to change locks and the disclosure of finances and that a fair way to settle the matter would be for it to wipe off her credit card and overdraft debt with it.

Ms D believes we should have consulted her prior to recommending a compensation figure resulting in the offer and benchmark being set too low and has asked 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.

I hope Ms D won't take it as a discourtesy that I've summarised her complaint in the way that I have. I've no doubt that Ms D has and still is going through a difficult time which was already impacting her and NatWest's error only compounded things and made her situation worse. The background to this complaint is well known to both parties and so I don't see any merit or use in repeating it here – but a summary of the events leading to Ms D's complaint has been outlined above.

Firstly, I understand Ms D is unhappy with the offer we put forward to try and settle the matter – she believes it was set too low. I need to be clear that we as an organisation act independently from both the business and the consumer and not on either party's behalf. So any settlement offers put forward and any recommendations are done so on the basis of what we think are fair and reasonable.

Our role is to look at problems that a consumer has experienced and see if the business has done anything wrong or treated them unfairly. If it has, we seek to put the consumer back in the position they would've been in if the mistakes hadn't happened. And we may award compensation that we think is fair and reasonable.

NatWest have already accepted one of its staff accessed Ms D's account inappropriately and may have provided her ex-husband with information about her finances. NatWest have assured us it's taking the matter seriously and have taken appropriate action with the staff member involved. So what I need to consider is whether £500 compensation recommended by our investigator and accepted by NatWest for the distress and inconvenience this has caused Ms D is enough.

I should note here that this service doesn't supervise, regulate or discipline the businesses we cover. And my role isn't to punish or penalise businesses for their performance or behaviour – that's the role of the regulator, in this case the Information Commissioner.

So having considered everything – and I know this will come as a disappointment – I do think that compensation of £500 is a fair way to settle this complaint.

I appreciate Ms D doesn't believe this covers the financial losses she's suffered including what has been outlined in the background above. But although a member of NatWest's staff made a serious mistake, this wasn't the start or cause of Ms D's difficult personal circumstances.

Ms D was already going through a difficult divorce and made NatWest aware of some safeguarding concerns and as a result its community protection team was engaged. So I think it is likely Ms D already had some legitimate concerns about her security and would be taking steps such as changing the locks and putting in CCTV anyway to secure this.

And from what I understand, it wasn't the accessing of her account that provided her ex-husband with her address – this was already common knowledge - so I can't say the extra security measures Ms D took were as a direct result of the unauthorised access of her account.

I accept that it is possible that Ms D's ex-husband may've have been privy to some information on her finances that he didn't have before her account was accessed. But again, I think it's likely this information would've always come out during the course of her divorce proceedings, so I can't say her legal costs were more than they should've been either.

I appreciate that it has been very distressing for Ms D to know that a member of staff – and someone who could be considered her antagonist – accessed personal financial information about her and this is very unfortunate. But NatWest can't control everything its staff does and it has assured us the matter was taken very seriously and has been dealt with appropriately.

I understand this is deeply unsatisfactory for Ms D as she has a number of unanswered questions, but as I explained above our job isn't to penalise or punish NatWest for the mistake of its staff – nor is it within the scope of this service to ask NatWest the details of its investigation and any subsequent disciplinary action that was taken. It is simply in this case to determine whether the £500 compensation offered to settle Ms D's complaint is fair. And I think it is, as I don't think Ms D's account being accessed was the sole cause of her difficult personal and financial circumstances.

**My final decision**

For the reasons I've explained, I've decided that the £500 compensation recommended and accepted by National Westminster Bank Plc to pay Ms D is a fair way to settle her complaint.

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

Caroline Davies  
**Ombudsman**