

The complaint

Mr W has complained that AXA Insurance UK Plc (AXA) shared his personal data with his ex-wife. Mr W held a car insurance policy with AXA.

What happened

In June 2023 Mr W contacted AXA as he said he was having trouble accessing his online account for his car insurance policy. It was discovered that the email address connected to Mr W's account had been updated in September 2021 to his ex-wife because they had held accounts with AXA that were linked.

AXA separated the accounts and updated the email address for Mr W's policy to his on the same day. But Mr W was upset about what had happened and raised a complaint. He asked AXA to provide a copy of all of the information that had been sent over the previous 21 months.

AXA upheld Mr W's complaint and apologised. AXA paid Mr W £100 compensation for the distress and inconvenience caused. But it didn't address his request to show or confirm if any documents relating to him had been sent to his ex-wife.

Mr W asked us to look at his complaint. He was very unhappy with the way AXA had handled his complaint.

Our Investigator explained that we cannot look at complaints handling as it isn't a regulated activity – and we can only look at complaints which meet the Financial Conduct Authority's rules.

She explained that while this service cannot decide if there had been a data breach, we can consider awarding compensation for any distress and inconvenience caused – or financial loss – by the way a business has handled their personal data.

The Investigator was satisfied from information provided by AXA to this service that no letters had been sent with personal data to Mr W's ex-wife. Documents about his car insurance policy would have been available online through an online account. Trace records showed no online activity from the date of the email address change to when Mr W contacted AXA. While AXA confirmed it was possible access had been made by the way a small percentage of customers access online, it said it wasn't likely that had occurred – as a password was required to access the documents online. There was no record of the password being changed during this time.

AXA said that it wasn't possible for any changes to have been made to Mr W's policy without his authority. No changes had taken place.

However, the Investigator didn't think it was fair that AXA hadn't provided further information to assure Mr W until this service was involved – and she considered the compensation AXA

had paid wasn't enough to reflect the ongoing worry and frustration caused. So she recommended AXA increase the compensation by £200, so a total of £300.

AXA accepted the Investigator's findings. Mr W didn't agree. In summary he says the compensation isn't enough. He says AXA didn't take his concerns seriously. He says he has suffered mental anguish and financial penalties as a result of AXA's actions.

So Mr W wants an ombudsman to decide.

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 why Mr W was so upset when he realised AXA had changed the email address for his car insurance policy to his ex-wife. There's no dispute that AXA made an error when it updated the email address of his ex-wife for a policy in Mr W's name.

When things go wrong, we look at what happened and what the impact was. We can't consider what might have happened, or what might happen in the future.

Mr W says his car has been damaged since discovering AXA's error. But he has no evidence to show a link between these two things. And so I cannot consider this as a financial loss caused by AXA as there isn't anything to show me this.

I appreciate Mr W isn't assured from the checks AXA has carried out that his data hasn't been breached. He wants AXA to say it definitely hasn't. But I can't ask AXA to do this – nor can I state that his data hasn't been breached. As the Investigator explained, Mr W can contact the Information Commissioner's Office if he has concerns that his data has been breached.

Without evidence of financial loss, I can only consider what distress and inconvenience was caused to Mr W by AXA's error. And having done so, I'm satisfied that a compensation award of £300 is fair and reasonable in this case. I think AXA should have provided Mr W with information he asked for in June 2023 as to whether any documents had been sent.

Although this didn't happen until after our involvement, AXA has looked to see what documents it sent, and confirmed it hasn't sent any documents to his ex-wife. It checked online activity through analytics data during the time range between September 2021 and June 2023. While there was no recorded online activity associated with Mr W's online policy, AXA explained that users can opt out via cookie consent on the site and ad blockers can be used to block all analytics and marketing tracking. AXA said 10 – 15% of users do this. But given the activity recorded was only after Mr W contacted AXA, it considered it unlikely.

I think this explanation – along with there being no record of the password being changed to access Mr W's account online – or any changes requested to the policy – make it unlikely that Mr W's data has been breached. But for the above reasons, it isn't possible for AXA – or I to make a final determination on this.

My final decision

My final decision is that I uphold this complaint. I require AXA Insurance UK Plc to pay Mr W £200 compensation in addition to the £100 it's already paid, bringing the total compensation

award to £300. This is for the distress and inconvenience caused by its error and failure to provide Mr W with information he asked for about what it had sent since September 2021.

AXA Insurance UK Plc must pay the compensation within 28 days of the date on which we tell it Mr W accepts my final decision. If it pays later than this it must also pay interest on the compensation from the date of my final decision to the date of payment at a simple rate of 8% a year.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 8 May 2024.

Geraldine Newbold
Ombudsman