

The complaint

Mr W complains that MotoNovo Finance Limited (“MotoNovo”) shared information about his account in calls with an unauthorised third party and failed to provide him with a copy of the audio recordings.

What happened

Mr W requested calls from March and August 2023 between MotoNovo and an unauthorised third party. He says the third party knew information about his account with MotoNovo, so believed his data was shared during these calls.

MotoNovo wouldn’t provide a copy of the audio recordings as it contained information about a third party as well as Mr W, instead it provided Mr W with a transcript of the requested calls. However, Mr W felt the transcripts were vague and he was unhappy MotoNovo didn’t provide the audio recordings. He also felt it breached GDPR by sharing information about his account, so he raised a complaint.

MotoNovo explained it didn’t disclose any information to the unauthorised third party and that transcripts are provided if it needs to redact data that didn’t fall within the request or belonged to a third party.

Our investigator didn’t recommend the complaint be upheld. They said Mr W’s data wasn’t shared with the unauthorised third party and the transcripts matched the audio recordings. They confirmed the redacted details on the transcript were in relation to the unauthorised third party and another vehicle registration provided to MotoNovo. They shared the calls with Mr W but explained MotoNovo isn’t required to provide data in a specific format.

Mr W disagreed. He says MotoNovo provided details of the department his account was being managed by, and agreed to return the third party’s call – the details of which he hasn’t been provided. He also says the calls suggest MotoNovo discussed his account in 2021 and requests recordings of this.

As Mr W remained unhappy with the outcome, the case was passed to me to make a 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.

It may be helpful to explain that our role isn’t to determine or provide a ruling on whether a business has complied with data protection laws. That’s the role of the Information Commissioner’s Office (ICO). We are an informal dispute resolution service, and our role is to decide if the business treated the customer fairly and reasonably, taking into consideration the relevant laws and industry guidance.

MotoNovo is required to provide information in an easily accessible form. Whilst Mr W's request for audio recordings was reasonable, I don't think MotoNovo has acted unfairly here. It explained the reasons why it couldn't share the audio recordings and provided Mr W with an alternative in the form of the transcripts. And having listened to the calls, I'm satisfied the transcripts reflect the content of the calls he requested. As I haven't seen anything to say transcripts aren't an accessible format for Mr W, I think MotoNovo has acted reasonably.

Mr W says MotoNovo shared his information in those calls with the unauthorised third party, including which department his account was with. I don't think referencing a specific department or transferring the call to them meant any of Mr W's data was shared – it was simply the department that would handle any queries relating to the account.

I understand Mr W has concerns with other aspects of the calls, including MotoNovo informing the third party their call would be returned and him not receiving the details of it. Whilst I appreciate Mr W feels MotoNovo shouldn't have engaged with the unauthorised third party, I can't agree it shared any personal data in doing so. MotoNovo clearly advised the third party it couldn't share any information about the account. And from the evidence provided, I also haven't seen anything to suggest the call in August 2023 was returned.

Following his review of the calls, I understand Mr W has now raised concerns about contact from 2021 between MotoNovo and the unauthorised third party. As the investigator explained, this will need to be raised with MotoNovo first. So I won't be addressing it in this decision.

I appreciate the reasons why this issue is so important to Mr W and I'm sorry to disappoint him. But for the reasons given, I don't think MotoNovo has made an error here. Therefore, I won't be asking it to do anything further.

My final decision

My final decision is I don't uphold Mr W's complaint against MotoNovo Finance Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 24 July 2024.

Tania Henry
Ombudsman