

The complaint

Mr H has complained about a number of issues connected with his mortgage and accounts held with Santander UK Plc (Santander).

What happened

Mr H has raised numerous issues which have occurred over a period of many years in relation to his accounts with Santander.

I have previously sent both parties a jurisdiction decision setting out that there were only three parts of Mr H's complaint that this Service is able to consider as the remaining parts were made out of time.

The points we were able to consider were:

- Mr H says that he has been making a data subject access request (DSAR) since 2019 as he was concerned that Santander hadn't treated him fairly. He says that this was not actioned by Santander.
- Mr H says that an incorrect telephone number was provided in correspondence sent to him by Santander in October 2023.
- Mr H said that there were some fraudulent transactions on his bank account. This was set up as a separate complaint so I will not be referring to this in my decision.

Santander says that it responded to DSAR requests made by Mr H in 2023 and it couldn't see that he had made any DSAR request prior to this. It asked him to call its mortgage team who would complete security and transfer him to the relevant team to handle the DSAR request. In relation to the incorrect phone number, Santander offered Mr H £25 to apologise for this.

Our Investigator has looked at the case and found that Mr H had made a number of written DSAR requests in 2023. As the guidance allowed for a DSAR request to be made in writing as well as verbally, he found that Santander should have responded to the DSAR requests and recommended that it now actioned this request. In respect of the incorrect telephone number being provided, the Investigator was of the view that the compensation offered by Santander was reasonable.

Mr H disagrees with this, so the case has come 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.

Having looked at the evidence I agree with the Investigator's view for broadly the same reasons and I've explained my reasons further below.

Mr H says that he has been making DSAR requests in relation to his mortgage account since 2019 and that this hasn't been actioned by Santander.

I have looked at various correspondence between Santander and Mr H in respect of a number of complaints he has made since 2019. Santander said in its response to Mr H in October 2023 that the only record it had of Mr H making a DSAR request prior to this was in 2021 in relation to a credit card. And I haven't seen any evidence to suggest that Mr H made a DSAR request in relation to his mortgage account prior to 2023.

In respect of the DSAR requests made in 2023, I can see that Santander noted in its letter of 12 October 2023 that Mr H had made DSAR requests by emails and live chat but said that the request could not be processed through these means, and that he would need to speak with the mortgage contact centre to request a DSAR who would put him through to the team responsible.

Mr H responded on 16 October 2023 reiterating his DSAR request. Santander acknowledged in its response dated 17 October 2023 that Mr H had made DSAR requests and directed him to call the customer service number to speak with the retail team who would be able to help.

The Information Commissioner's Office sets out guidance in respect of DSAR requests, which makes it clear that individuals can make a request either verbally or in writing.

I think Mr H made it clear in writing that he wanted to make a DSAR request as he had made a complaint about Santander not actioning his request. So I think Santander should have actioned this request at that stage.

I can see that the Investigator recommended that Santander action the DSAR request and Santander confirmed to this service on 28 November 2023 that the request was being processed. It has subsequently confirmed that this was sent to Mr H on 22 December 2023. Therefore, as Santander has now actioned the DSAR request made by Mr H, I will not be asking it to do anything further.

Mr H says that the telephone number on a letter sent by Santander to him on 12 October 2023 was no longer in use. He tried calling this and then spent an hour on the phone to a different number he was directed to, which took him to the complaints department rather than the DSAR department.

Santander said that it was in the process of phasing out its old letter templates and replacing them with new ones which contained new telephone numbers. It apologised that he had been given an old telephone number which was not in use and offered £25 to apologise for the inconvenience caused by this.

In my view, the offer made by Santander is fair to recognise the inconvenience caused to Mr H in being given the incorrect number. And I'm not going to ask it to increase this.

Putting things right

Mr H's complaint relates to Santander not actioning his DSAR request. Although I have upheld this part of Mr H's complaint, as this has now been actioned I do not require Santander to do anything further.

My final decision

For the reasons I've explained above, I uphold this complaint however I don't require Santander UK Plc to do anything further.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 25 June 2024.

Rachel Ellis
Ombudsman