

The complaint

Miss R is unhappy that National Westminster Bank Plc (“NatWest”) sent an email to an incorrect email address, which she feels is a breach of her personal data.

What happened

On 31 August 2023, NatWest sent an email to Miss R. However, NatWest sent the email to an incorrect email address. Miss R wasn’t happy about this and felt that a breach of her personal data had taken place because of what had happened. So, she raised a complaint.

NatWest responded to Miss R and explained that the sent email had been a blank form. NatWest apologised to Miss R for not sending that blank form to her correct email address in the first instance and made a payment of £100 to her as compensation for any trouble or upset she may have incurred as a result. Miss R wasn’t satisfied with NatWest’s response, so she referred her complaint to this service.

One of our investigators looked at this complaint. But they felt that NatWest’s response to Miss R’s complaint already represented a fair outcome. Miss R remained dissatisfied, so the matter was escalated to an ombudsman for a final 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 issued a provisional decision on this complaint on 17 May 2024 as follows:

I’d like to begin by confirming that this service isn’t a regulatory body or a Court of Law and doesn’t operate as such. Instead, this service is an informal, impartial dispute resolution service. And while we do take relevant law and regulation into account when arriving at our decisions, our remit is focussed on determining whether we feel a fair or unfair outcome has occurred – from an impartial perspective, after taking all the factors and circumstances of a complaint into consideration.

Miss R is unhappy that NatWest sent the blank form to the incorrect email address, which delayed her receiving the form as quickly as she should have. NatWest have apologised to Miss R for this and have explained that one of their agents mistakenly typed the incorrect email address for Miss R.

Additionally, NatWest have made a payment of £100 to Miss R as compensation for her late receipt of the blank form. This feels fair to me, given what happened, and I don’t feel that NatWest should fairly or reasonably be instructed to do anything further here regarding this complaint.

Miss R has said that she feels that NatWest breached her personal data and have therefore acted in a non-regulatory manner. However, as explained above, this service isn’t a regulatory body, and so it isn’t within my remit here to make a decision as to whether

NatWest have acted in breach of regulation.

It is, however, within my remit to consider what's happened from a general fairness perspective. And given that the email in question consisted of a blank form, along with a brief accompanying message asking Miss R to complete the blank form and return it to NatWest, I don't feel that NatWest have acted unfairly in the manner that Miss R suggests.

All of which means that my provisional decision is that I do not uphold this complaint, because I'm satisfied that NatWest's response to this complaint already represents a fair outcome to it.

Miss R responded to my provisional decision and said that she understood that NatWest had sent several emails to the incorrect email address over a prolonged period of time, which she feels prevented her being able to set up a repayment plan on her NatWest account.

I'm not aware of any prolonged series of incorrectly sent emails as Miss R suggests here. And I also don't feel that Miss R was reasonably prevented from setting up a payment plan with NatWest as she contends. Instead, I feel that Miss R could have called NatWest at any time and explained that the email she was expecting hadn't been received. I also feel that Miss R could have either requested that the email be resent (confirming her correct email address to NatWest at that time) or potentially provided the information NatWest required from her to NatWest over the phone.

As such, I'm not persuaded to change the outcome of my provisional decision, and I therefore confirm that my final decision is that I do not uphold this complaint.

My final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss R to accept or reject my decision before 27 June 2024.

Paul Cooper
Ombudsman