

The complaint

Mr G complains about receiving an email with identifying personal information from Skipton Building Society.

What happened

Earlier this year, on Mr G's birthday, Skipton sent him an email. The email wished Mr G a happy birthday and included the line *If you've got big ideas for this year or think it's time to really get behind that longer term plan, we're here to help!*

Mr G went on to contact Skipton to complain about the email it sent. Mr G said the email was unsolicited and that he objected to it using his personal information as a marketing ploy.

Skipton sent Mr G a final response on 26 March 2024 and apologised for the upset caused by its email. But Skipton didn't uphold Mr G's complaint. Skipton said it had contacted its marketing team to request Mr G is removed from the "Happy Birthday" mailing list. Skipton also said Mr G was set to receive marketing information by email which is what allowed the message to be sent. Skipton said it had a separate mailing list for birthday emails that it could remove him from which would mean marketing information could still be sent by email to Mr G. Skipton added that whilst the email was sent to Mr G on his birthday, his full date of birth wasn't included.

Mr G responded and said he didn't agree with the decision to reject his complaint. Mr G said connections could be inferred based on the information included in the email Skipton had sent him.

Mr G went on to refer his complaint to this service and it was passed to an investigator. The investigator provided details of the Information Commissioner's Office (ICO), the body that regulates how businesses handled consumer information. The investigator explained the Financial Ombudsman Service is unable to comment on whether a business has breached data protection rules. The investigator wasn't persuaded that Skipton had made a mistake or treated Mr G unfairly by sending him an email to wish him a happy birthday and didn't uphold his complaint.

Mr G asked to appeal and said that providing the date of his birthday in its email, Skipton had significantly increased the chances of a potential hacker being able to work out his full date of birth. Mr G added that Skipton should be working in line with GDPR legislation to reduce the potential for data to be extracted and reused beyond what is necessary to administer an account. As Mr G asked to appeal, his complaint has been 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.

I'm aware I've summarised the events surrounding this complaint in less detail than the parties involved. No discourtesy is intended by my approach which reflects the informal nature of this service. I want to assure all parties I've read and considered everything on file. I'm satisfied I don't need to comment on every point raised to fairly reach my decision. And if I don't comment on something, it's not because I haven't considered it. It's because I've focused on what I think are the key issues. My approach is in line with the rules we operate under.

In Mr G's response to the investigator, he explained why he feels the email Skipton sent him on his birthday failed to follow GDPR legislation. But as our investigator has already said, the Financial Ombudsman Service doesn't regulate how businesses handle information. The ICO is the body that regulates how businesses store and handle consumer information. If Mr G has concerns that Skipton has breached GDPR he has the option of referring them to the ICO.

The Financial Ombudsman Service is an informal dispute resolution service that was set up as an alternative to the courts. We decide complaints on a fair and reasonable basis which is the approach I've taken when looking at Mr G's case. The Financial Ombudsman Service isn't the industry regulator and can't tell a business how to operate – including the sorts of emails it can send customers.

Mr G has explained in detail why he's concerned at the contents of the email. And Skipton has confirmed that he's been removed from the mailing list for birthday messages going forward. So Mr G shouldn't receive any more emails from Skipton wishing him a happy birthday in the future. Whilst I understand Mr G feels Skipton should do more, I'm satisfied it's listened to his concerns and taken reasonable steps to ensure the issue doesn't happen again. In my view, that was a fair way for Skipton to respond to Mr G's complaint.

I can see Mr G has made arguments concerning how the email he received from Skipton on his birthday could potentially be used by hackers to work out his date of birth. But I think it's fair to say that Mr G hasn't told us he's been the victim of hackers or that the email in question was used to commit fraud against him. And I can't uphold a complaint on the basis of what may've happened, I have to consider a case based on what did happen. Mr G's told us that receiving the email caused him anxiety, but there's been no financial loss as a result of Skipton's actions.

I think it's fair to note that Skipton gave its apologies for any distress caused to Mr G in its final response. I appreciate Mr G's told us receiving the email caused him anxiety, but I'm satisfied the explanation and apology given in Skipton's final response along with its promise to stop sending birthday messages is a fair way to resolve his complaint. I'm sorry to disappoint Mr G but I haven't been persuaded it would be fair to award compensation for the email he received from Skipton.

As I'm satisfied Skipton responded to Mr G's concerns by taking steps to ensure birthday emails will no longer be sent and that it dealt with his complaint fairly I'm not telling it to do anything else.

My final decision

My decision is that I don't uphold Mr G's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 22 October 2024.

Marco Manente
Ombudsman