

## **The complaint**

Mr S complains about delays and mistakes from Barclays Bank UK PLC trading as Barclaycard after he made a Data Subject Access Request (DSAR).

## **What happened**

In November 2023 Mr S made a DSAR by email to Barclaycard. Around a month later, Mr S chased Barclaycard for a response to his DSAR. Barclaycard says it went on to speak with Mr S over the phone and attempted to complete security questions required to process his DSAR. But Barclaycard says Mr S failed the security questions so wasn't able to take his DSAR further.

Barclaycard issued a final response on 3 January 2024 and paid Mr S £25 for failing to respond to his DSAR and follow up email. Barclaycard said Mr S had failed to answer security questions during his call. Barclaycard said Mr S needed to complete an online form so it could comply with his DSAR. In follow up final responses, Barclaycard said the form was required to ensure Mr S could be contacted about the DSAR should it need to do so. Barclaycard said the information Mr S needed to supply included a preferred contact time.

Mr S referred his complaint about the way Barclaycard dealt with his DSAR to this service. Mr S also referred a complaint to the Information Commissioner's Office (ICO) the body that regulates how organisations handle information. In May 2024, the ICO responded to Mr S' complaint and upheld it. The ICO said that Barclaycard had failed to respond to Mr S' DSAR made in November 2023 in line with the standard time limits. The ICO also said Barclaycard already held sufficient information to be able to have responded to Mr S' DSAR and that there was no obligation on him to give it a preferred contact time. The ICO told Barclaycard to respond to Mr S' DSAR within 28 Days. The ICO added that DSARs can be raised via email and post in addition to Barclaycard's online form.

Barclaycard made an offer to settle Mr S' complaint. Barclaycard said it wanted to pay Mr S a further £75 to apologise for the inconvenience caused by the way the DSAR request was handled, taking the total award to £100. Our investigator thought that was a fair way to resolve Mr S' complaint and recommended he accept.

Mr S responded and said Barclaycard should've asked for identification following his initial request in November 2023. Mr S added that Barclaycard shouldn't have asked for unnecessary information like a preferred contact time. In addition, Mr S said that the DSAR response he'd received from Barclaycard didn't provide the information he wanted. As Mr S didn't accept the investigator's recommendations, 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 can understand why Mr S is frustrated by the way Barclaycard handled his DSAR. The ICO has already confirmed that Mr S made a DSAR back in November 2023 but it wasn't followed up by Barclaycard. And the ICO has also said Barclaycard had sufficient information on file to be able to process the DSAR when received and directed it to respond. In addition, the ICO said DSARs can be raised by email and letter as well as online and that there was no requirement on Mr S to provide information like a preferred contact time. It's clear that the DSAR wasn't processed as it should've been.

I note that in response to the investigator, Mr S asked whether they thought Barclaycard needed to ask for identification following his initial DSAR and whether it was right to ask for information like a preferred contact time. The ICO has already confirmed the position. Given the ICO has already accepted Barclaycard's approach wasn't in line with how it expects businesses to operate, I'm satisfied that's the case. I agree with Mr S that if Barclaycard needed identification it should've asked for it in response to his initial DSAR in November 2023. And I see no reason why Barclaycard would need a preferred contact time before agreeing to process Mr S' DSAR. I agree with Mr S that there were mistakes in Barclaycard's approach to completing his DSAR and have taken that into account when deciding how to fairly resolve his complaint.

Ultimately, the contents of the DSAR Mr S recently received from Barclaycard would need to be the subject of a separate complaint so I'm not going to comment on that here.

As I'm satisfied Barclaycard caused Mr S an unreasonable level of distress and inconvenience after he raised a DSAR in November 2023 and caused unnecessary delays, I agree his complaint should be upheld. It's clear Mr S had to revisit the issue with Barclaycard on several occasions and that it only complied with his DSAR following intervention from the ICO. I've considered Barclaycard's offer of £100 and I'm satisfied it fairly reflects the level of distress and inconvenience caused to Mr S. To put it another way, the settlement Barclaycard has agreed is very much in line with what I would've told it to pay, had no offer been made. As I'm satisfied Barclaycard has agreed a settlement that is fair and reasonable in all the circumstances I'm going to proceed on that basis and uphold Mr S' complaint.

### **My final decision**

My decision is that I uphold Mr S' complaint and direct Barclays Bank UK PLC trading as Barclaycard to settle by paying him a total of £100 (less any compensation already paid).

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 10 September 2024.

Marco Manente  
**Ombudsman**