

## **The complaint**

Mr G complains that CMC Spreadbet Plc (“CMC”) mishandled a Data Subject Access Request (DSAR) in March 2023.

## **What happened**

Mr G held a trading account with CMC for several years. He previously made a DSAR to CMC in April 2021, which he said was identical to that made later in March 2023. He said he received additional information in response to the 2023 DSAR compared to the earlier request. He was also unhappy with delays he experienced when requesting the 2023 DSAR. He was further concerned that CMC had sent a recorded/tracked delivery of his data to his previous address.

In June 2023, Mr G raised a formal complaint and explained that the issues with the DSAR had impacted his mental health. CMC issued a final response in August 2023 rejecting the complaint. In brief, it felt it had handed the request reasonably and while there had been some delays and difficulties, this had been due to the complex nature of the request, and it had offered Mr G support during the process.

Mr G remained unhappy with CMC’s response, so he referred his complaint to this service. Looking at the chronology of events, our investigator noted that CMC had explained why it considered the DSAR to be complex and it had told Mr G this in line with the Information Commissioner’s Office (ICO) guidelines. But the DSAR had still taken longer than the three months allowed for a complex case, and the investigator acknowledged this caused Mr G to be concerned.

The investigator said he empathised with Mr G and appreciated that he’d had to chase CMC to find out what was happening. He also felt that CMC had mismanaged Mr G’s expectations as it had requested extensions on two occasions and then hadn’t provided the complete information within the indicated timescales.

The investigator felt it was clear the delays had a negative impact on Mr G and caused him unnecessary trouble and upset. So, to put things right CMC should pay £150 to compensate for this.

Mr G didn’t accept the investigator’s opinion, primarily as he felt the compensation was insufficient. So, the matter’s been referred to me to review.

## **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 everything carefully, I find I’ve come to the same conclusions as the investigator and for broadly the same reasons.

I appreciate Mr G will be disappointed as I recognise the impact this and related matters,

and his dealings more generally with CMC, have had on him. I should add that I'm aware of Mr G's other complaints referred to this service and recognise he feels strongly that there are many linked issues, but here I'm looking solely at the issue of the 2023 DSAR.

The ICO makes clear what's expected of businesses when responding to this type of request. Businesses generally have one month to respond, but the clock can be stopped if the request is unclear and further, the period for responding can be extended by a further two months if the request is complex.

I note Mr G has also raised the issue of his 2023 DSAR directly with the ICO and it will have looked at the matter in the context of the specific requirements associated with data protection regulations. For clarity, I should make clear that I'm looking at the complaint in the context of what's fair and reasonable in all the circumstances, as my role requires.

Looking at the chronology of events it's apparent that the process of providing the information to Mr G was lengthy. His 2023 request (which I'm satisfied differed from his earlier 2021 request) was made in March of that year and CMC sought clarity at that time on what he required. However, despite several chasers, that clarity wasn't provided until later in May 2023. CMC explained that Mr G's requirements were complex given the length of his relationship with CMC and his extensive trading history. CMC also encountered some technical difficulties, which were explained to Mr G, with the information request eventually being responded to in full in July 2023.

There then followed some further difficulties as Mr G was unable to access some of the files that CMC had provided. Information was provided to him in an alternative format, a USB stick. This was initially sent to an incorrect address, as CMC didn't have an up-to-date record, but the package wasn't accepted from the courier and was successfully and securely sent to the correct address the next day.

So, it can be seen that this wasn't a straightforward matter, and I do understand Mr G's concerns. But while I think the request could've been better handled, looking at the situation overall, in the context of what's fair and reasonable, CMC did engage with Mr G, offered explanations of what was happening and sought to solve issues when they arose – for instance with the provision of the USB to help him with the files he was unable to access. He was also called by CMC's Global Head of Data.

As such, I think the resolution proposed by the investigator of a payment of £150 compensation to Mr G, is reasonable in all the circumstances.

### **Putting things right**

CMC should pay Mr G £150 for the distress and inconvenienced caused by its handling of his request.

### **My final decision**

For the reasons given, my final decision is that I uphold the complaint and direct CMC Spreadbet Plc to make payment to Mr G as set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 14 March 2025.

James Harris  
**Ombudsman**