

The complaint

Mr T is complaining about Lloyds Bank PLC because it didn't acknowledge or respond to his requests for information within an appropriate timeframe.

What happened

On 8 December 2023, Mr T wrote to Lloyds with a Data Subject Access Request (DSAR) requesting the information it held about him. I understand this request was in connection with a dispute relating to a purchase using his credit card. This is the subject of a separate complaint that's also been referred to us.

Lloyds provided its response to Mr T's DSAR on 11 March 2024. It apologised for the delay and said it didn't acknowledge the request on receipt due to a printing error. To compensate for any distress and inconvenience caused, Lloyds sent Mr T a cheque for £60.

Our investigator didn't recommend the complaint be upheld. He felt the compensation offered by Lloyds was fair.

Mr T didn't accept the investigator's assessment. In particular, he's seeking an understanding of why the delay occurred and doesn't accept Lloyds' explanation for the failure to acknowledge his request, saying it's also failed to acknowledge other similar requests in the past. He confirmed he hasn't banked the £60 cheque because he feels the compensation is inadequate.

The complaint has now been referred to me for 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 done so, I've reached similar conclusions to the investigator but I do think the compensation should be higher. Mr T has provided extensive submissions in connection with his complaint and I can confirm I've considered these carefully. But I haven't commented on every issue raised and instead concentrated on those I believe are central to the outcome. This is in keeping with our established purpose to act as an informal alternative to the courts. In considering this complaint I've had regard to the relevant law and regulations; any regulator's rules, guidance and standards, codes of practice, and what I consider was good industry practice at the time.

I think it's also relevant to explain that the Financial Ombudsman Service is not a regulator and we don't write the rules for financial businesses or have powers to fine or punish businesses where these aren't followed. Our role is instead to consider individual disputes and reach what we believe is a fair and reasonable conclusion in the specific circumstances of each case.

Issues involving customer data are ultimately overseen by the Information Commissioner's Office (ICO) and that's the appropriate organisation to consider any wider issues about Lloyds' compliance with the relevant rules and regulations. From his comments, it appears Mr T understands this point and was intending to contact the ICO as well.

This complaint refers to Mr T's request for information in December 2023. There's no dispute that Lloyds failed to acknowledge this request - or related follow-up requests - and respond within the required timeframe. So the issue I need to consider is how it should put things right. I understand Mr T's desire for an explanation as to why this happened but that doesn't affect my view on how he should be compensated. Any compensation award I make must be based on the impact the errors made had on Mr T rather than the nature or magnitude of those errors.

From reading his correspondence and also what he's told us about his personal circumstances, it's clear this issue has caused Mr T some distress and inconvenience. I'm also conscious the delay was connected to an existing dispute and he felt his ability to pursue that was impacted while he waited for Lloyds' response to his request for information. Taking everything into account, I don't think the £60 compensation offered by Lloyds is adequate and I believe the sum of £200 is more appropriate.

It's for these reasons that I'm upholding Mr T's complaint and I'm satisfied the outcome is fair and reasonable in the circumstances.

In some of his correspondence, Mr T has referred to other information requests that he doesn't believe Lloyds dealt with correctly. This complaint deals with issues relating to his request in December 2023 and he'd need to raise a separate complaint if he believes there are other occasions where Lloyds failed to act correctly and this had a detrimental impact on him.

Putting things right

To put things right, Lloyds should pay Mr T compensation of £200 for the distress and inconvenience caused by its failure to adequately respond to his information request.

My final decision

For the reasons I've explained, I'm upholding this complaint. Subject to his acceptance, Lloyds Bank PLC should now pay Mr T compensation of £200.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 1 October 2024.

James Biles
Ombudsman