

## **The complaint**

Mr B complains that Bank of Scotland plc trading as Halifax caused a data breach when his partner was allowed access to his personal accounts on-line.

## **What happened**

Mr B held several sole accounts with Halifax. In 2024 he opened a joint account with his partner. He then found out his partner was able to access his sole accounts as well as the joint account on-line. And that she was able to download statements and had transferred money out of his sole account to an account she held elsewhere. Mr B contacted Halifax in early July 2024 and the matter was put right within a few days.

Mr B complained to Halifax about what had happened. It acknowledged that it had linked Mr B's partner to his sole accounts in error. It apologised and paid Mr B £300 in recognition of the inconvenience caused.

Mr B didn't think this went far enough to put things right, so he referred his complaint to this service. He said he'd lost confidence in Halifax to look after his money. He explained he'd been in the process of buying a house at the time and he was concerned about what might have happened had all the money in his account been taken. He also said that when raising his complaint, his call was disconnected twice, and he was told that his partner wouldn't steal from him.

When responding to our enquiries, Halifax said it would increase the compensation payment to £500 – an extra £200. Our investigator put the new offer to Mr B – but he didn't accept it. So, our investigator looked into what had happened.

And she agreed that compensation was due as Halifax had made a mistake. But while she acknowledged the seriousness of the mistake, she thought the impact was short-lived. She noted that the money Mr B's partner had moved from his account had been returned and that Halifax had rectified the underlying problem quickly when it was made aware of it. So, she thought Halifax's new offer was fair.

Mr B asked for an ombudsman to review the complaint. So, it's been passed to me to decide.

## **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 have come to the same outcome as the investigator, for much the same reasons. I know Mr B will be disappointed as I can see he feels strongly about what happened. So, I will explain why.

Halifax has not disputed what happened here. But I must point out that it's not the role of this service to decide whether there's been a breach of the Data Protection Act - only the Information Commissioners Office (ICO) can do that. If Mr B wishes to complain to the ICO, there is more information on how to do this on its website.

It also isn't my role to punish businesses for making mistakes, nor can I ask a business to pay compensation for something that might have happened but didn't. What I can consider here is whether the compensation offered by Halifax fairly reflects any financial loss Mr B has incurred and/or the distress and inconvenience caused to him.

With that in mind, I can understand it would have been very worrying for Mr B to learn his partner had been given online access to his personal accounts when this should have been restricted to the joint account – and even more so, as his partner was able to transfer money out of his personal account. But as I understand it the money has been returned to Mr B's account, so there is no outstanding financial loss.

So, I'm looking at the impact the error had on Mr B. I acknowledge Mr B is seeking a much higher amount of compensation than what has been offered. But an award at the level he is seeking would normally be appropriate where a business' mistakes cause sustained distress, potentially affecting someone's health, or causing severe disruption to daily life which would typically last over a very lengthy period. And I don't think what Mr B has told our service can be considered so severe.

In this case, I'm satisfied that Halifax put right the underlying issue that enabled Mr B's partner to download statements and move money out of this account within a few days of the error being brought to its attention. And from what I've seen, there was no further impact.

I've noted Mr B's comments about the service he received when raising the complaint. But I've not seen any persuasive evidence that the calls he made were intentionally cut off. And while Mr B is unhappy with some comments made by the call-handler, I think it's most likely the call handler was trying to reassure Mr B that his money wasn't at risk – although, I agree this could have been handled better.

Overall, while I accept Halifax made a significant error, I find the distress caused to Mr B was short-lived. Based on everything I've seen, I think a compensation payment of £500 (inclusive of the £300 already paid) is a fair reflection of that impact this matter has had on Mr B.

### **My final decision**

For the reasons given above, I uphold this complaint.

Bank of Scotland plc trading as Halifax should now pay Mr B £200 (bringing the total compensation payment to £500) in recognition of the distress and inconvenience this matter has caused him.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 4 November 2024.

Sandra Greene  
**Ombudsman**