

The complaint

Mr and Mrs E complain that Nationwide Building Society hasn't responded to their letters and they say that they want it to refund the payments that they've made to it under some loan agreements.

What happened

I issued a provisional decision on this complaint last month in which I described what had happened as follows:

"Mr and Mrs E made data subject access requests to Nationwide for information about loans that it had made to them. Nationwide responded to requests in February 2024 and provided information about their loans. They wrote to Nationwide later that month and said that they needed a full refund within 7 working days of all payments that they'd made to it under specified loans unless it provided copies of information that they'd requested. They wrote to it again in March 2024 and said that a full refund was due as it had failed to provide the requested information within 7 days and they then complained to it because it hadn't responded to their letters.

Nationwide said that it hadn't done anything wrong as it had one calendar month to respond to any requests for information that it holds for Mr and Mrs E and it listed the data subject access requests that they'd made and the information that it had provided. Mr and Mrs E weren't satisfied with its response so complained to this service. Their complaint was looked at by one of this service's investigators who, having considered everything, didn't think that it should be upheld. He said that there was no evidence to show that the loans were invalid or that Mr and Mrs E hadn't applied for them and he said that their data subject access requests were replied to within acceptable timescales.

Mr and Mrs E didn't agree with the investigator's recommendation and asked for their complaint to be considered by an ombudsman. As some of the loans were made to Mr and Mrs E and others were made to Mr E, their complaint was then split into two complaints – one about the loans made to Mr and Mrs E and the other about the loans made to Mr E. This decision concerns Mr and Mrs E's complaint about the loans made to them. Mr E's complaint about the loans made to him is being dealt with separately".

My provisional decision

I set out my provisional findings in my provisional decision which were as follows:

“Mr and Mrs E had made data subject access requests to Nationwide. It responded to them and provided information to them about their loans. Mr and Mrs E wrote to Nationwide later in February 2024 and said: “I will need a full refund within 7 working days unless you can provide copies of all the following items:” – and eleven categories of information were then listed.

They wrote to Nationwide again in March 2024 and said that a full refund of the payments that they’d made under the loans was due to them. They complained to Nationwide later that month to ask for a full reply to their letters. They weren’t satisfied with its response so complained to this service. Their complaint form said that they needed to see all applications showing all parties’ signatures on the documents to confirm the agreement between the parties for the contracts to be acknowledged as legal.

The investigator didn’t uphold their complaint and set out some key points, including that he was unable to rule whether an agreement was valid, Mr and Mrs E hadn’t alleged that they didn’t apply for the loans or didn’t receive the funds provided and he hadn’t been provided with any reason to show that Nationwide had acted unfairly in providing the credit applied for or in managing the accounts and payments. Mr and Mrs E said that they’d like their case to be forwarded to an ombudsman as is their right but they haven’t provided any further information or said why they didn’t agree with the investigator’s conclusions.

I’m not persuaded that there’s enough evidence to show that Nationwide hasn’t responded to the data subject access requests correctly. Mr and Mrs E demanded a full refund from Nationwide within seven working days of the payments that they’d made to it under the loans unless it provided further specified information. I’ve seen no evidence to show that the loans weren’t correctly made to Mr and Mrs E or that they’re entitled to such a refund. But, from what I can see, Nationwide hasn’t provided a detailed response to the letters that it was sent in February and March 2024 and hasn’t provided all of the additional information that has been requested.

Nationwide responded to the complaint by saying that it hadn’t done anything wrong. But I don’t consider that it properly responded to the complaint that had been made to it. I therefore consider that Mr and Mrs E’s complaint should be upheld.

I find that Nationwide should properly respond to the letter that was sent to it in February 2024 and should provide Mr and Mrs E with the requested information about their loans or an explanation as to why it can’t or won’t provide that information to them. I consider that to be fair and reasonable in these circumstances”.

Subject to any further comments or evidence that I received from Mr and Mrs E or from Nationwide, my provisional decision was that I intended to uphold this complaint and to order Nationwide Building Society to properly respond to the letter that was sent to it in February 2024.

Nationwide says that it’s disappointed with those findings as it has already provided Mr and Mrs E with everything it’s able to and can’t provide everything that they’ve requested. It has also provided explanations for each of the eleven categories of information that were asked for.

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.

Nationwide says that it's already provided Mr and Mrs E with everything that it's able to but I can't see that it's provided a detailed response to the letters that it was sent in February and March 2024. It's now provided explanations to this service for each of the eleven categories of information that were asked for but I can't see that it's provided those explanations to Mr and Mrs E.

Mr and Mrs E said that they needed a full refund of all payments that they'd made to Nationwide under specified loans. Nationwide responded to their complaint by saying that it hadn't done anything wrong but it hasn't responded to their demand for a refund and I don't consider that it properly responded to the complaint that had been made to it.

Putting things right

I find that Nationwide should properly respond to the letter that was sent to it in February 2024 and should provide Mr and Mrs E with the requested information about their loans or an explanation as to why it can't or won't provide that information to them. I consider that to be fair and reasonable in these circumstances.

My final decision

My decision is that I uphold this complaint and I order Nationwide Building Society to properly respond to the letter that was sent to it in February 2024.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr E and Mrs E to accept or reject my decision before 7 November 2024.

Jarrold Hastings
Ombudsman