

The complaint

Mr Y is unhappy with the way BUPA Insurance Limited handled his data.

What happened

Mr Y has a private medical insurance policy underwritten by BUPA.

BUPA incorrectly added Mr Y's phone number to an appointment request for another individual. He was then contacted about that customer's medical appointment in error.

This understandably caused Mr Y significant distress and worry about his data. He said it intensified his own mental health conditions – especially his autism, ADHD and anxiety disorder. He is unhappy with how BUPA handled this issue and that he was caused ongoing inconvenience in having to complain to BUPA.

Mr Y also raised concerns that he was charged twice for his membership fees.

BUPA looked into his concerns and apologised for their error in incorrectly sharing his phone number. They confirmed his phone number had been removed from the incorrect record and none of his other personal information had been shared. They offered him £50 compensation.

Mr Y remained unhappy and referred the matter to our service. Our investigator looked into what had happened and didn't think the compensation fairly reflected the impact BUPA had caused to Mr Y in the circumstances. He recommended the compensation was increased to £150 in total.

BUPA agreed. Mr Y didn't think this was enough and he provided a detailed timeline and impact statement. In summary he said:

- BUPA's mishandling of his data and their delays in resolving the issue had a notable impact on his mental health and daily life.
- He raised the matter with BUPA on 6 April and was promised a call back on 8 April that didn't happen.
- He was then charged twice in April for membership fees which added to his stress and concern.
- He chased BUPA on 24 April and his worries about his data remained until BUPA issued their final response on 13 May.
- The constant worry about whether his personal data had been compromised caused severe sleep disruptions which impacted his ability to function during the day.

The case has now 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.

Financial businesses are covered by the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (DPA). They set out a number of obligations on businesses when they use their customers' personal information, such as using the information fairly and lawfully, keeping it secure and to delete it when it's no longer needed.

It's not in dispute that BUPA incorrectly added Mr Y's phone number to an appointment request for another individual. I appreciate it must have been alarming and concerning for Mr Y when he was contacted about someone else's medical appointment in error.

It's clear the error caused by BUPA was a genuine human error by an employee. This is unfortunate but it does happen. I'm pleased BUPA confirmed that other than Mr Y's phone number, no other personal data or health information of his was shared. And there wasn't any way the other customer, or anyone else, would have been able to access Mr Y's personal information.

However, I appreciate Mr Y is unhappy that it took BUPA over a month to explain what had happened and provide him with reassurance, when he was already suffering from mental health conditions. I'm persuaded BUPA'S actions caused Mr Y distress and worry, which intensified his existing health conditions. And this could have been minimised if BUPA had explained what had happened sooner than they did. So I agree that the £50 compensation BUPA originally offered didn't go far enough to recognise the impact caused to Mr Y.

I've also considered the frustration caused to Mr Y when BUPA failed to call him back as promised on 8 April. And the inconvenience caused to him having to chase BUPA again two weeks later. I agree with Mr Y that BUPA's communication was poor and I think they missed an opportunity on 8 April to call Mr Y and alleviate his concerns, so this should form part of their compensation.

Taking into account the timeline for BUPA to explain what had happened, and the impact this caused to Mr Y's existing mental health conditions, I think an increase to £150 total compensation is a fair reflection of both the distress and inconvenience caused to Mr Y throughout April until he received the final response in May.

I understand Mr Y thinks the compensation should be higher. But considering the overall timeline, and that it was solely a phone number shared incorrectly and no other data was compromised, I don't think any more compensation is warranted than the increase I've set out above.

I note Mr Y had raised concerns that he was incorrectly charged twice for his membership fees in April, and this caused his further worry and distress. But BUPA has explained this was because he'd only recently taken out his continuation cover. The two payments in April are in line with his payment schedule and reasonable in the circumstances, so I don't think any additional compensation is relevant in relation to this.

BUPA has confirmed Mr Y's phone number has been removed and none of his other data or health information was shared in error, so I hope he feels reassured that he isn't at risk of any further data breaches from this incident.

Putting things right

BUPA Insurance Limited need to put things right by:

- Paying Mr Y a total of £150 in compensation for the worry and inconvenience caused to him by their data error and taking over a month to explain what had happened.

My final decision

For the reasons set out above I uphold this complaint against BUPA Insurance Limited and direct them to put things right in the way I've outlined above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss L and Mr Y to accept or reject my decision before 27 January 2025.

Georgina Gill
Ombudsman