

## **The complaint**

Mrs B complains about Lloyds Bank PLC's handling of a Data Subject Access Request (DSAR) made in connection with an account.

### Note

Mrs B brings this complaint with the assistance of her son, Mr B who holds Power of Attorney (POA) for her. As such, and because Mr B has been corresponding on the complaint, I will mostly refer to him in this decision. Though, for the purposes of our rules, this is Mrs B's complaint, and I will say more about this later.

## **What happened**

A summary of what happened is below.

Mrs B had a complaint about an ISA transfer with our service. Mr B was seeking information from Lloyds about that to assist with the issue after an Investigator didn't recommend that the complaint be upheld.

Mr B made a DSAR on December 2023, over the telephone, requesting copies of all correspondence, call recordings and systems notes in connection with the ISA. Shortly afterwards, Lloyds contacted Mr B to clarify what information was needed. However, when it responded on 15 January 2024, the information was broader than the ISA and didn't include everything Mr B was expecting.

Mr B went back to Lloyds about this and eventually escalated the matter as a separate complaint. Lloyds responded to that in a final response letter in April 2024, setting out a timeline of the requests for information and how it had dealt with these. Ultimately, it didn't think it needed to do anymore to resolve the issue.

In engaging with Lloyds and our service, Mr B also contacted the Information Commissioners Office (ICO) to complain about Lloyds' actions in relation to the DSAR. The ICO investigated and issued a response, finding it hadn't complied with its obligations to provide all personal data. It also looked into a missing call and said this hadn't been recorded, but the bank had set out what steps it would be taking to improve practice.

Mr B analysed all the information from Lloyds, including some information the Investigator had given him, and he set out why, he didn't believe Lloyds had contacted him in relation to the ISA (the other complaint with our service). He said he now wished to raise another complaint, specifically about how the bank had handled the DSAR, in that, it hadn't met the prescribed timescales and provided all relevant information to him. He explained that a lot of the information hadn't reached him for many months or had surprisingly come through our Service (not Lloyds), resulting in significant time and cost in pursuing this. And he suspected a cover up.

One of our Investigators looked at Mr B's representations/evidence and whilst she also noted the ICO's findings in relation to the matter of compliance with the DSAR, ultimately,

she didn't think she could award any compensation to resolve this complaint, because it was Mrs B that was the eligible complainant under our rules, so any award our service could make would be to the account holder. However, as Mr B was acting as an attorney and representative, Mrs B hadn't in her view suffered any material impact. She added that our service couldn't award compensation to third parties, such as, attorneys.

Mr B wasn't satisfied with the conclusions and when an agreement couldn't be reached, the complaint was put forward for a decision, as the second and final stage in our process.

### **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.

I should say that I'm aware I've summarised the events of this complaint in less detail than the parties, and that I've done so using my own words. The reason for this is that I've focussed on what I think are the key issues here, which our rules allow me to do. This approach simply reflects the informal nature of our service as a free alternative to the courts. I'm satisfied I don't need to comment on every individual argument to be able to reach what I think is a fair and reasonable outcome in this case. My key points on this matter are below.

The complaint about the ISA transfer is being dealt with under a separate case and decision. Therefore, whilst that's relevant for background to this case, I won't be commenting on the other matter in this decision – other than to say that I have set out in the other decision my finding on whether I think Lloyds contacted Mr B. I'll now look at the handling of the DSAR and what if anything Lloyds needs to do.

Mr B has mentioned the trouble and upset he's been caused with getting information. But I'm satisfied the DSAR was in relation to his mother. The call with the bank in December 2023 to instigate that process confirms this and, in any event, it's Mrs B that holds the customer relationship with Lloyds and is the eligible complainant for the purposes of our rules. I can see that the Investigator explained all of this and so I feel there's little I can usefully add to what's already been said on this point.

The ICO found Lloyds hadn't met its obligations to provide all personal data and Mr B has also highlighted to us several other issues in how the requests have been managed and responded to. For example, emails with the ISA team weren't initially found and provided. Considering this, I can understand some of his criticisms about the handling of requests for information and of course there's also the ICO's findings. But, looking at the situation, it's difficult to see how this has caused Mrs B material loss, such that, it warrants a payment of compensation to her. Added to this, I think the complaint has evolved to the point where this matter has ceased being about Mrs B's concerns and become more personally driven by Mr B's own frustration and unhappiness with Lloyds. But as I have said, Mr B can't complain in his own right as he isn't an eligible complainant. Weighing up everything here, I'm not going to require Lloyds to do anything.

This completes our review of the complaint.

### **My final decision**

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs B to accept or reject my decision before 27 March 2025 – her attorney can do so on her behalf.

Sarita Taylor  
**Ombudsman**