

## **The complaint**

Miss T complains that Metro Bank PLC (Metro Bank), trading as RateSetter, haven't responded to her Data Subject Access Request (DSAR).

Miss T has been represented by Mr M in this complaint. For ease, and because Miss T is the account holder, I'll refer only to her in this decision. I realise many of the actions I refer to may have been carried out by her representative, so I mean no disrespect when doing so.

## **What happened**

Miss T made a DSAR to Metro Bank on 11 June 2024. She was told it would take up to 30 days for the bank to provide the information, but it wasn't received.

A complaint was lodged with Metro Bank and they explained there was a backlog. They offered Miss T £100 in compensation but, unhappy with that offer, Miss T referred her complaint to this service. She explained that the delay was preventing her from reviewing whether there had been any irresponsible lending when the account was opened.

Our investigator provided his view in November 2024. He noted that the DSAR still hadn't been provided and suggested Metro Bank pay an additional £100 in compensation making £200 in total.

Miss T didn't think that was sufficient and she asked for a final decision by an ombudsman.

## **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.

The Information Commissioner's Office (ICO) handles complaints about late or inadequate DSAR's. It's for them to assess compliance and enforcement but this Service can look at whether there has been any harm or inconvenience caused and order lenders to provide compensation if that's the case.

Businesses generally have one month to respond to DSAR's and it's not disputed that Metro Bank have exceeded that timescale. They offered £100 compensation in July 2024 but still hadn't provided Miss T with the information she requested by the time our investigator issued his view on this case last month. In the circumstances, I think Metro Bank have caused further distress and inconvenience. Miss T wants to assess their lending decision and has been hindered by the delay in providing information. Metro Bank should, therefore, pay her an additional £100 in compensation but I don't think the delay merits any more than that. If Miss T thinks it's likely Metro Bank have irresponsibly lent to her, she is able to raise a complaint about that to Metro Bank and asked them to review the information on file. Thereafter, if she remains dissatisfied, she can escalate her complaint to this service and we will be able to gather the information required from the bank to make an informed decision. It wouldn't be fair for us, however, to consider that complaint before Metro Bank has had a chance to. So, any complaint about irresponsible lending should be referred to them in the

first instance.

### **My final decision**

For the reasons I've given above, I uphold this complaint and tell Metro Bank PLC to pay Miss T a £200 compensation for the distress and inconvenience caused. They can deduct £100 if that has already been paid.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss T to accept or reject my decision before 8 January 2025.

Phillip McMahon  
**Ombudsman**