

## **The complaint**

Mr S complains AJ Bell Securities Limited have sent him marketing emails, which he had opted out of receiving.

## **What happened**

AJ Bell sent Mr S an email in March 2024 about making the most of his ISA tax allowance. Mr S raised a complaint with AJ Bell as he believed this email was marketing, which he had opted out of receiving.

AJ Bell looked into Mr S's concerns but explained they considered the email to be a service email rather than marketing. As they responded to Mr S's concern within a few days, they also said they weren't treating this as a formal complaint. Mr S disputed AJ Bell's explanation and was unhappy with how AJ Bell had handled his complaint and didn't think they'd followed relevant Financial Conduct Authority (FCA) guidelines. As Mr S remained unhappy, AJ Bell issued a formal response to his complaint.

In July 2024, Mr S also received an email asking if he wished to help AJ Bell with their testing. Mr S thought this also amounted to marketing and shouldn't have been sent to him. Unhappy with AJ Bell's response Mr S brought the complaint to our service.

Our investigator looked into the complaint but didn't think either of the emails Mr S had been sent amounted to marketing – so didn't think AJ Bell had done anything wrong or that any material impact had been caused to Mr S. And whilst our investigator appreciated Mr S was unhappy with how his complaint was handled, they explained complaint-handling wasn't a regulated activity and so wasn't something our service could look into.

Mr S disagreed with our investigator and didn't believe the emails he received were within AJ Bell's own definition of what was considered as a service email and he'd been inconvenienced by AJ Bell's contact.

As Mr S remains unhappy, the complaint has 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've reached the same outcome as our investigator. I appreciate this will be disappointing for Mr S, but I've explained my reasoning below.

Firstly, whilst I appreciate Mr S is unhappy with how AJ Bell handled his complaint, complaint-handling in and of itself isn't a regulated activity and so isn't something our service has the power to look into. So, I won't be commenting on this point further and my decision will focus on the emails Mr S received and whether AJ Bell have contacted him outside of his communication preferences.

It's not in dispute that Mr S opted out of receiving marketing emails. And having reviewed the emails he received, I'm satisfied with AJ Bell's explanation that they aren't marketing.

The email sent in March related to Mr S's ISA allowance, reminding him of the approaching end of tax year, and the deadline by which he could add money. Mr S has explained he was already aware of the deadline and so didn't need this reminder. He thinks this was a way for AJ Bell to encourage customers to invest more and create more business. So, he believes the email amounted to marketing. However, I'm satisfied the information AJ Bell were providing could be considered as useful and relevant to the account Mr S already held with them. And so, I'm satisfied with AJ Bell's explanation that this was a service email rather than marketing.

The email Mr S was sent in July explains that it is a "testing" email. It offered Mr S the opportunity to take part in providing feedback to AJ Bell about their current products and the chance to win a gift card for taking part. At the bottom of this email, it gives Mr S the option to opt out of testing emails in the future. As such, again I'm satisfied that this is what AJ Bell define as a "testing" email rather than marketing.

I acknowledge Mr S's frustration at receiving these emails and the inconvenience he feels they've caused him. But, for the reasons set out above, I don't think AJ Bell have contacted Mr S inappropriately. It follows I can't fairly require that AJ Bell do anything further in the circumstances.

### **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 Mr S to accept or reject my decision before 13 February 2025.

Laura Davies  
**Ombudsman**