

The complaint

Mr T complains that following a Data Subject Access Request ("DSAR") to Yorkshire Building Society that he discovered other customers personal data contained within his documents.

What happened

Mr T took out a residential mortgage with Yorkshire in April 2002 with a term of 23 years. Mr T let the property shortly afterwards. Yorkshire consented to the letting and this consent was renewed annually until 2015 when it wasn't renewed. Yorkshire said that it hadn't received a satisfactory Letting Certificate. An authorised let was approved in principle pending receipt of the necessary certificate, but Yorkshire says that this was not provided. Yorkshire added an unauthorised let loading fee of 1.15% on the mortgage which was in place from 1 June 2016 until February 2019 when the letting was authorised, and the loading fee removed.

Mr T raised a number of complaints with Yorkshire about the unfairness of the loading fee for the unauthorised letting and its failures to provide a satisfactory response to his DSAR but after receiving final response letters Mr T didn't bring those complaints to this service within the time limits prescribed under the rules that apply to us. So, I issued a jurisdiction decision setting out those complaints I couldn't consider and the one that I could consider which was that in response to Mr T's DSAR, Yorkshire posted out documents to Mr T that included data about another customer. Yorkshire upheld Mr Ts complaint and offered compensation of £50.

Our investigator considered the complaint and felt that this offer was fair as the data breach didn't personally or financially affect Mr T. Mr T disagrees saying that our investigator did not cover the main points of his complaint to Yorkshire and that he has uncovered evidence that Mr T misplaces documents and that we should be able to investigate his complaint that Yorkshire unfairly applied a loading to his mortgage.

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.

Mr T made a DSAR request to Yorkshire and Yorkshire responded sending documentation to Mr T. After going through that documentation Mr T found another customer's private communication with Yorkshire including communication from the customer's solicitor. Yorkshire thanked Mr T for bringing it to their attention and offered and paid £50 as compensation to Mr T. So, Yorkshire accepts there was an error. My role is to decide if that compensation is fair. There is no issue of financial loss to Mr T. I know that Mr T, as a result of finding evidence of misplaced documents, would like us to review other complaints that he previously raised with Yorkshire. But I've explained in a decision I previously issued in this complaint why we can't do that.

It seems to me that there would have been a degree of inconvenience to Mr T in finding another customer's data in the documentation supplied to him and in alerting Yorkshire to

the issue. For that, the compensation offered of £50 seems fair and appropriate. This is not to minimise the extent of the error by Yorkshire. We are not its regulator and I can only assess the impact this error had on Mr T. I note that there was redacted information in the documentation enclosed with the DSAR response but that's not unusual with a DSAR response. If Mr T has further questions about the clarity of the documents supplied, he can contact Yorkshire. So, my view of this complaint is that Yorkshire whilst being at fault, has made and paid a fair offer of compensation and I won't require it to take any further action.

My final decision

Yorkshire Building Society has made an offer of £50 to settle this complaint which I consider to be fair and reasonable in all the circumstances. The Society should pay Mr T £50 unless it has already done so.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 7 February 2025.

Gerard McManus
Ombudsman