

The complaint

Miss M complains Contis Financial Services Limited trading as Solaris didn't let her know that her data had been breached for over two months. Miss M complains that she missed a payment on her credit card and all of her other cards had to be cancelled simultaneously as a result, and that this caused her severe distress and inconvenience as she's disabled.

What happened

Miss M has an account with Solaris with a debit card which she'd like closed. In addition, she has accounts elsewhere – including accounts with debit cards and credit cards.

Miss M says she tried to use her Solaris debit card to make a payment towards one of her credit cards in May 2024. She says the payment didn't go through and that this resulted in a late payment fee and adverse information being added to her credit file. She's wanted to close her Solaris account ever since.

Miss M says she received an email from one of her credit card providers – who I'll refer to as "Z" throughout the rest of this decision – on 18 June 2024 saying that it believed her card details might have been compromised as it had been used at a merchant where fraud had been reported. She says Z cancelled her card and sent her a new one. In addition, she says that one of her other credit card providers – who I'll refer to as "V" throughout the rest of this decision – cancelled and replaced her credit card the week before. Because of this, Miss M says wasn't able to buy food or pay for essentials – as she had no working cards and her other account with another business was already over its limit – and that this caused her severe distress and inconvenience as she's disabled.

Miss M says Solaris contacted her on 20 June 2024 to say that it had been subjected to a cyber attack and that this had resulted in a data breach. Miss M complained to Solaris – who apologised – and then complained to us. In her complaint to us, Miss M said that Solaris had waited two months before telling her that she was the victim of a data breach. She said that had it not been for Solaris' poor communication she wouldn't have been in a position where all of her cards were cancelled at the same time.

One of our investigators looked into Miss M's complaint and said they weren't satisfied Solaris' actions or inactions had the significant impact complained about. Miss M was very unhappy with our investigator's recommendation – saying that they hadn't understood her complaint – and asked for her complaint to be referred to an ombudsman for a decision. Her complaint was, as a result, passed to me.

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 can see that Solaris sent a final response to Miss M on 30 July 2024 in relation to a complaint she'd made about her data being leaked as a result of a data breach from a cyber-attack on its systems. I'm satisfied that the cyber-attack in question happened in June 2024,

that Solaris reported what had happened to the Information Commissioner's Office and that Solaris contacted its customers to let them know that there had been a data breach. Miss M says that there was a two-month delay, but I can't agree based on what I've seen including a message from Solaris on 20 June 2024 to Miss M telling her about the cyber-attack and its implications. More importantly, I'm satisfied that Solaris didn't cancel Miss M's card – it simply warned her (and all of its other customers) to be particularly vigilant as they might receive phishing calls etc. as a result.

I can see that Z cancelled one of Miss M's credit cards, saying that it might have been compromised as it had been used at a merchant where fraud had been reported. That's what businesses sometimes do when they receive information that other people have complained about fraud happening at a merchant that one of their own customers then use. I can understand why Miss M believes that the cyber-attack on Solaris and Z cancelling one of her credit cards must be linked, but I haven't seen evidence to show that this was more likely than not the case. Having reviewed this file, I tried to speak to Miss M on several occasions in order to get more information. In response to an email from me, she sent in some additional evidence – an email from Z saying that her card's cancellation was linked to a data breach at an unnamed merchant. But I can't say, based on that email and the other evidence that Miss M has sent, that this was more than very unfortunate timing. By that I mean Miss M has told us that one of her other credit cards was cancelled the week before – something she says was down to the cyber-attack on Solaris – meaning she had no working credit cards for a couple of weeks.

I agree with our investigator, given what I've just said, that it's more likely than not that the cyber-attack on Solaris and the problems Miss M had in June 2024 with her other credit cards aren't linked. I can also see that Solaris didn't cancel Miss M's card. Instead, I can see her account had no money in it and from what I've seen she was close to or over her limits elsewhere. For those reasons, I can't say that problems Miss M had buying food and other essentials in June and July 2024 – and missing hospital appointments – were more likely than not as a result of any errors on Solaris' part. I'm not saying that she didn't have any problems – she's shared details of her circumstances with us. But those problems appear to be as a result of a mixture of her disabilities, financial difficulties and extremely unfortunate timing rather than as a direct or indirect result of the cyber-attack on Solaris. I appreciate that Miss M will be very disappointed with my decision, but we have to be fair to both parties.

My final decision

My final decision is that I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss M to accept or reject my decision before 7 March 2025.

Nicolas Atkinson
Ombudsman