

The complaint

Mr D complains that Barclays Bank UK PLC mishandled his Subject Access Request (SAR), which led to the insecure transmission of data.

What happened

Mr D sent Barclays a SAR via Barclays' secure website. In response, Mr D said he received unclear instructions from Barclays, causing him to suspect the email was spam, and when he accessed the portal, the files were corrupted and inaccessible. He said when he raised this with Barclays it failed to address the issue and sent sensitive data to an unsecured location without his consent, breaching the data protection regulations.

Mr D said Barclays didn't resolve his request within the 30-day timeframe provided within the data protection regulations. And instead of sending the data within the secure website, it sent data to his home address. Mr D said he was abroad at the time, and the package was left in a 'Place of Safety', which Barclays admitted may not have been fully secure.

Mr D said the data contained sensitive personally identifiable information, including his name, date of birth, address, Barclaycard account details, and statements. He said the lack of security in handling these documents poses a significant risk of data misuse. He said Barclays' handling demonstrates a lack of understanding and care, mirroring past failures.

Barclays said that in response to the SAR it sent a link and a code for Mr D to access the information, but this didn't work, and it subsequently delivered the documents to his home. Barclays acknowledged this was without Mr D's consent as he was abroad and posed a potential security risk. Barclays apologised and offered Mr D £200 compensation for the inconvenience caused and to recognise the potential data breach.

Mr D described Barclays' response as inadequate and dismissive and referred his complaint to our service. He said the compensation was 'insufficient given the severity of the potential data breach and the distress caused' or the potential consequences of sensitive data being accessed by unauthorised parties.

Our investigator didn't recommend that the complaint be upheld. He said Barclays process for SARs confirms to customers, 'We'll send your data to you securely electronically in PDF form, so you can share it with a third party if you need to. Alternatively, we can post it to you'. He said although Mr D didn't request his data be couriered to his home address, Barclays process does allow for this if it cannot send the data electronically.

The investigator said the handling of data is a matter for the Information Commissioner's Office and we would consider whether Barclays has awarded fair compensation. He said Mr D confirmed there's no evidence his data has been accessed or misused and so the investigator thought Barclays offer of £200 compensation would be fair and reasonable for this one-off mistake. He said we can't make awards for the potential impact an error may have.

Mr D disagreed with the investigator and requested an ombudsman review his complaint. He said our service upheld a similar complaint with significantly higher compensation. He said dismissing his complaint because the impact hasn't materialised overlooks the well-documented risk and delayed consequences of identity fraud. Mr D said Barclays' actions violated data protection rules by sending his personal data to an unsecured location. He said this was not a minor human error but a fundamental failure in handling sensitive data.

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 was sorry to learn that what should have been a straightforward process of obtaining personal data via a SAR has turned into a frustrating and worrying experience for Mr D. Part of my role is to determine whether what took place was reasonable and whether Barclays has followed up fairly on its acknowledgement of poor service.

Mr D says Barclays failed to deliver his SAR securely and failed to adhere to data protection standards by sending sensitive data to an unsecured location without his consent and did not address the technical issue of inaccessible files on its secure portal. Mr D believes that Barclays has not fully appreciated these issues, or the risks involved.

I can understand Mr D's concerns about mishandling of his personal data as this could expose him to serious financial and security risks. Individuals making a SAR concerning their own personal data need to be secure from the risks of identity theft, fraudulent credit applications, and other misuse.

I'm pleased Mr D has raised his concerns with the Independent Commissioner's Office. They do not award compensation for data breaches, but they can investigate how businesses handle data. Our service considers complaints about poor service, and this includes compensation that may be payable for the impact on a consumer of mishandled data.

I understand that Mr D requested to receive the information via Barclays' secure website, rather than by mail, as he was abroad. But the package was courier delivered to his mailbox. I note that Barclays tells customers that it will send data electronically or post it to them. Barclays considered Mr D's mailbox to be a 'Place of Safety', but also accepted this might not be completely secure.

I'm pleased Mr D eventually received the SAR data and I'm pleased Barclays acknowledged its potentially insecure delivery arrangement and apologised. I hope Barclays sees this complaint as an opportunity to review this part of its process and difficulties that consumers may face in accessing data via its secure website. I'm sure that the Information Commissioner's Office will decide if there's been a breach of the data protection regulations and tell Barclays to make changes if it deems this necessary.

I turn now to compensation. When we make awards of compensation we are not looking to fine or punish a business because we are not a court or the financial regulator, but we try to find an award that fairly and reasonably compensates the consumer for the wrong that has been done.

Mr D said there's no evidence that his data has been accessed or misused, although Barclays' actions created a clear risk of unauthorised access the signs of which may only become apparent months later. The investigator was correct to say that this service can only consider detriment to a consumer that has actually occurred, not what might potentially

occur. Should it become apparent there has been a breach in the security of Mr D's data due to Barclays actions it is open to him to bring a further complaint about this.

Mr D said he has suffered emotional distress due to the lack of security and control over his data, and said this has happened to him before. I have considered the impact on Mr D of this and the delay in receiving his data and the inconvenience of dealing with Barclays more than he should have. Having done so, I agree with the investigator that the £200 compensation offered by Barclays is fair and in line with our service's approach. Our guidance describes this amount as fair in respect of, 'repeated small errors or a larger single mistake, requiring a reasonable effort to sort out'. I recommend Mr D contact Barclays to receive this payment if it hasn't already been made.

I have also looked at the decision of our service to which Mr D has referred as similar to his complaint. I disagree, as there was significant delay in the consumer in that case obtaining requested data of a year and then it wasn't in a format accessible to him.

Our service investigates the merits of complaints on an individual basis. And that is what I've done here. I think it's important to explain that my decision is final. I realise that Mr D will be very disappointed by this outcome though I hope he appreciates the reasons why it had to be this way. By rejecting this decision all options remain open to him.

My final decision

For the reasons I have given it is my final decision that the complaint is not upheld.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 7 May 2025.

Andrew Fraser
Ombudsman