

The complaint

Mr F – the executor of his late father’s estate – complains on behalf of his late father about how Clydesdale Bank Plc trading as Virgin Money handled requests he made for information and the service it provided around this.

What happened

In August 2024, Mr F made a Data Subject Access Request (DSAR) with Virgin Money for information it held about him and his late father – asking for some specific information within that request. Mr F didn’t receive the information in the timeframe he expected and complained to Virgin Money, which admitted that it had responded late to this request and offered Mr F £50 for the impact this had on him.

Mr F was unhappy with Virgin Money’s response and brought his complaint to this service, where one of our investigators looked into it. They said that Mr F had raised another complaint against Virgin Money which had been dealt with separately and so they focused on the individual circumstances of this complaint – in relation to how Virgin Money dealt with Mr F’s requests for information.

The investigator said that we couldn’t consider Mr F’s point around Virgin Money not investigating a complaint about its staff member, as that wasn’t an activity we can cover. But what we could look into was the DSAR and the issues around this - to the extent that they relate to the late Mr F’s estate. The investigator was satisfied that Virgin Money did respond to the DSAR – but that its response was late. In respect of the £50 – that was offered to Mr F in his own individual capacity, so the investigator didn’t give any opinion as to whether that was fair, as Mr F could only bring this matter to us on behalf of his late father. After considering the matter, our investigator didn’t think Virgin Money needed to take any further action to resolve the complaint.

Mr F disagreed saying (in summary) that Virgin Money didn’t send all the information he had requested. He said that a number of questions still needed answering, so the complaint was passed to an ombudsman 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.

As our service has already explained to Mr F on several occasions, we can’t reconsider or reinvestigate matters that relate to matters that have already been dealt with by an ombudsman’s final decision. Many of the points Mr F wants us to consider and the questions he wants answered crossover with what was dealt with on another complaint and with what was decided by another ombudsman. I understand that Mr F remains unhappy with the outcome of that complaint and feels that he has questions that need answering – but I can’t consider those matters again as a part of this individual complaint.

So for this decision – I’ll focus on the separate issue of the information Mr F requested and

the service that Virgin Money provided to Mr F on behalf of his late father around this. In doing so, I've been mindful of the questions that he believes Virgin Money needs to answer. But this service is an independent and impartial dispute resolution service, set up to be quick and informal. In line with this, it's for us to decide what the crux of a complaint is. Here I'm satisfied this complaint arises from Virgin Money's handling of the DSAR and the information Mr F asked for, so while I've considered everything Mr F has said and sent us, I haven't needed to address every point or answer all the questions he has asked to reach my own decision on what's fair and reasonable here.

By its own admission, Virgin Money acknowledges that it didn't handle the DSAR request as it should have. It has confirmed that it was late responding to this because it misinterpreted the request as just being on the late Mr F's behalf. That, in itself, wasn't a fair reason not to have dealt with the DSAR in a timely way though. The DSAR was received on 23 August 2024 and should have been answered by 23 September 2024, but instead Virgin Money responded on 17 October 2024.

Virgin Money apologised to Mr F and offered him £50, but that was offered to him as an individual. For the purposes of this complaint with this service, Mr F is complaining on behalf of his late father and so that is the relevant relationship that the complaint arises from under the rules that apply to us. I realise that Mr F may view this distinction as unnecessarily technical and even unsympathetic in the circumstances – but it is the position we must take in line with the rules we operate under.

This means that my consideration of any impact here must be on the late Mr F's estate, rather than Mr F personally. While Mr F has gone into some detail on the impact this situation had on him – it's not clear this has impacted the estate in any way that would be fair for me to expect Virgin Money to take any action in relation to. I note, for example, that Mr F is very unhappy with how Virgin Money dealt with his complaint about a staff member – but that's a matter for it to deal with internally. In any event, it's not clear that has had any impact on the late Mr F's estate even if it did upset Mr F personally.

It seems like Mr F is unhappy about the information provided by Virgin Money, but it has explained to this service that it has sent all the information it can in relation to Mr F's request. Where that information isn't available, such as the CCTV – then it has explained why it can't send that, such as where the relevant retention period for that information has expired.

I find Virgin Money's response to Mr F's concerns on behalf of his late father to be a fair one. Mr F seems to be unhappy with what Virgin Money has (or hasn't) provided in respect of the DSAR and if he continues to feel that it hasn't met its obligations under the relevant law and rules for data and information then he can pursue that matter elsewhere, such as with the Information Commissioner's Office. But in respect of this complaint, I'm satisfied that there is no further action that Virgin Money needs to take.

My final decision

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask the estate of Mr F to accept or reject my decision before 18 April 2025.

James Staples
Ombudsman