

## **The complaint**

Mr D is unhappy about the service he has received from Nationwide Building Society ("Nationwide") in relation to a Data Subject Access Request (DSAR). In particular, he is unhappy that it failed to make reasonable adjustments to provide the DSAR via CD in a format which is compatible with his systems at home.

## **What happened**

Mr D is visually impaired. Mr D raised a DSAR with Nationwide requesting it send him call recordings for telephone conversations he'd had with it between 18 and 31 October 2024 on CD. Mr D had received his bank statements from Nationwide successfully in this format in the past.

Nationwide uses a third-party to produce information onto CD's and followed its normal processes when requesting Mr D's phone recordings be copied onto CD. Nationwide sent Mr D the requested call recordings on CD on 2 December but unfortunately Mr D found the CD didn't work.

Mr D raised a complaint with Nationwide regarding this. Nationwide issued its final response to this on 13 December 2024. Nationwide didn't uphold Mr D's complaint as it says it followed the correct process and Mr D's request was submitted correctly as an audio request. But as the CD Mr D received didn't work it requested the recordings be copied again but without foldering or password protecting the CD in the hope that would work and sent this out on 16 December. Nationwide apologised for any inconvenience this caused but was trying to find a solution that would work.

Mr D was dissatisfied with this and so brought his complaint to this service. Mr D says the second CD also didn't work and doesn't understand why Nationwide is able to provide bank statements in an ordinary CD but can't do this for the call recordings. Mr D says he's been disadvantaged as he hasn't received the requested information and wants to be compensated for this.

Nationwide say the DSAR is requested in the same way as other CD's but have explained that with the DSAR request it sent copies of the calls to a third party where they burn it onto the CD. Whereas with bank statements someone goes into a booth and records it onto CD.

Nationwide says it doesn't have different types of CD's and it was processed in the same way and aren't able to explain why Mr D is unable to listen to the calls. It says it followed the correct process and when that didn't work requested a further CD which wasn't foldered or password protected in the hope this would make it easier to access the calls on the CD. Nationwide say if the CD is inserted into a PC or CD player it should work and that it may be an issue at Mr D's end. it isn't aware of another method that it can provide the CD to Mr D.

One of our investigators looked into Mr D's concerns but didn't think that Nationwide had treated Mr D unfairly. They didn't think Nationwide could have known that the CD wouldn't work until Mr D had informed it of this and that Nationwide had done all it could reasonably do to resolve the issues Mr D had when it submitted a second request with its third party and attempted to make adjustments with the second CD.

Mr D disagreed, he says he has a normal CD player at home and doesn't understand why the CD with the call recordings doesn't work. Mr D doesn't think Nationwide has done enough to liaise with its third party who produces the CD and has asked for an ombudsman's decision.

### **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 hope that Mr D won't take it as a discourtesy that I've condensed his complaint in the way that I have. Ours is an informal dispute resolution service, and I've concentrated on what I consider to be the crux of the complaint. Our rules allow me to do that. And the crux of Mr D's complaint is regarding the service he received from Nationwide when raising a DSAR.

It might be helpful for me to say here that as we are not the regulator, I cannot make Nationwide change its systems or processes – such as the how it communicates with its customers or the technology it uses. These are commercial decisions and not something for me to get involved with. Nor does this service supervise, regulate or discipline the businesses we cover. And my role isn't to punish or penalise businesses for their performance or behaviour – that's the role of the regulator, in this case the Financial Conduct Authority (FCA).

My role rather is to see whether Nationwide have treated Mr D fairly.

But that said while I wouldn't tell a Nationwide how it needs to run its business, or what systems it needs to have in place, where a customer has a disability or vulnerability that reasonably prevents them from using or accessing a service provided by a business, I would expect it to make reasonable adjustments where it can to facilitate its customers being able to achieve their objective – in this case accessing the phone recordings contained in the DSAR - via alternative means.

So what I need to consider is given Mr D's circumstances, whether Nationwide did enough to cater to his needs when fulfilling his DSAR. And having considered everything, I'm in agreement with our investigator and I don't think there is anything much more of use I can add.

Nationwide followed its processes and correctly submitted Mr D's DSAR to be produced in audio CD and when this didn't work as expected – despite following its normal processes – Nationwide looked for a solution to the problem. Nationwide's internal records show it investigated what the issue might be by identifying that the process for copying audio recording onto to CD is different to recording bank statements and requested the phone conversations be copied onto a further CD without foldering or password protection to see if this would work. Unfortunately, Mr D says this hasn't worked and he is still not able to play the CD.

But just because this hasn't worked it doesn't automatically follow that Nationwide failed to make reasonable adjustments for MR D. I think when it has followed the exact same

process, using the same third party to produce the CD it was reasonable for Nationwide to try and rule out what the issue might be and try again.

This solution hasn't worked and there is no clear reason for this and I appreciate how frustrated MR D is by all this - it might well be that the problem lies at MR D's end and is out of Nationwide's control. In any case I'm satisfied that Nationwide has done all it can reasonably to provide the call recordings in the CD format Mr D has requested and so I'm not going to ask it to do anything more.

### **My final decision**

For the reasons I've explained I've decided not to uphold Mr D's complaint against Nationwide Building Society.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 8 May 2025.

Caroline Davies  
**Ombudsman**