

The complaint

Ms H complains that Bank of Scotland plc trading as Halifax has not complied with a data subject access request (DSAR).

What happened

In 2002, Ms H 's mother took out a mortgage with Halifax. Ms H is a guarantor for the mortgage.

In 2024, Ms H made a DSAR. But she considers that Halifax has not given her all of the information it should have. For example, she said the mortgage application and wage slips were missing, amongst other things.

The investigator did not think the complaint should be upheld.

Ms H did not accept what the investigator said. She said that she had another complaint about a data breach that she wanted us to look at.

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.

Under our rules Ms H can only bring a complaint that arises out of a relationship that she has with Halifax. So in respect of the complaint about the DSAR, we can only consider a complaint that arises out her relationship with Halifax as guarantor for her mother's mortgage. She can't bring a complaint on behalf of her mother unless she has the appropriate authority to do so – and I can't see any evidence that she has.

When Ms H made a DSAR, Halifax was required to give her all of the personal data it held about her. It was not required to give her anyone else's personal data, including that of her mother. Some of the information held about the mortgage would likely only contain Ms H's mother's personal data.

As far as I can see, Halifax has provided all of the information I would expect. It is not required to hold information for longer than six years, so that might explain why certain documents relating to the application are not available. There is no evidence that it has been lost or there was any data breach in respect of the DSAR. And as I've explained Halifax was not required to provide any third party's personal data to Ms H. I can't see that Halifax has acted unfairly or unreasonably in processing Ms H's DSAR.

I am satisfied I have dealt with all of the points that Ms H referred to us on 24 December 2024 and that she confirmed in January 2025. And those are the complaints that Halifax issued final responses to on 27 August and 17 October 2024, and 29 January 2025.

Ms H has said that she wants us to look at another complaint. It's not entirely clear what that complaint is, other than it relates to her information being given to a third party. I can only look at a complaint if eight weeks have elapsed since the business received the complaint or

it has issued a final response. Halifax has told us it has issued a number of final responses relating to data breaches and touching on issues similar to what have been raised here. And its final response dated 20 July 2022 appears to address the specific point about information being given to a third party.

Under our rules we could not consider those complaints as they have been referred to us more than six months from the date of the final responses, Halifax has not consented to us considering those complaints and there were no exceptional circumstances that prevented Ms H bringing her complaint to us. So I am unable to consider those matters.

If Ms H does have a complaint about genuinely different matters than have been addressed here or in earlier final responses, then she would need to raise those with Halifax first.

My final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms H to accept or reject my decision before 1 May 2025.

Ken Rose
Ombudsman