

## **The complaint**

Mr M complains that Santander UK Plc won't respond to detailed questions about his mortgage, and in particular whether the lending it made to him has been securitised, as well as where it got the money to lend to him. Mr M says this information affects his legal rights.

## **What happened**

Mr M took out a mortgage with Santander in 2008 to buy his current home. Recently, he has written to Santander a number of times to ask detailed questions about this mortgage.

Mr M says he wants Santander to tell him whether the lending it made to him has been securitised, and wants information on how the funds to lend to him were obtained or created. Mr M says he needs this information, and he says he's legally entitled to it. Mr M also said this information may affect both the administration of his mortgage and his legal rights.

In response, Santander has said it won't provide details of its internal accounts but it did say it provided funds on successful completion of Mr M's mortgage application, which were then used by his solicitor to purchase his home. And it confirmed it is responsible for administering Mr M's mortgage. Mr M says Santander is just avoiding the questions he's asked, and he wanted our service to make Santander provide replies to these questions.

Mr M told Santander he wanted to make a data subject access request, and Santander said he could do that, it would furnish him with all the items he's entitled to. But Santander said that didn't include information about its internal structure, funding or accounts. Mr M said that would be a breach of data protection legislation. He wanted our service to look into this too.

Our investigator didn't think this complaint should be upheld. She said she didn't think Santander was required to confirm whether a mortgage has been securitised or not. And she said Mr M didn't appear to have made a subject access request yet, so she couldn't say Santander hadn't complied with such a request.

Mr M said he wasn't satisfied that our service had challenged Santander robustly enough on this matter. He repeated that he was legally entitled to know whether his mortgage has been securitised. He wanted Santander to answer that question, or explain why it wouldn't do so.

Because no agreement was reached, this case then came to me for a final 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've reached the same overall conclusion on this complaint as our investigator.

I should set out that, from the documentation I've seen, I'm satisfied that Mr M did borrow money from Santander. So, like our investigator, I also think it's fair and reasonable for Mr M to pay this back, in accordance with the terms of the mortgage contract he entered into. That means I also think Santander is entitled to collect payment from Mr M for the mortgage loan.

It's not clear that Mr M is equally satisfied on this matter. Mr M says he needs Santander to provide answers to the questions he has asked about his mortgage. Mr M says the answers Santander provides to his questions about securitisation may affect the administration of his mortgage or his legal rights.

Our service can only look at what's fair and reasonable. And here I do think, for the reasons set out above, that it is fair and reasonable for Santander to ask Mr M to pay it back the loan it made to him. I don't think it would be fair and reasonable for me to suggest, in any way, that this repayment could or should be contingent on Santander responding to Mr M's questions about the arrangements that might underpin that lending.

I have reached this conclusion simply because of the above reasons, that I don't think it's unfair or unreasonable in the circumstances of this case for Santander to ask Mr M to pay this money back. And that means I won't ask Santander to answer the questions Mr M has asked now, or ask it to pay compensation for not having done so already.

As our investigator set out, Mr M is free to run the arguments he has advanced to our service, and to Santander before us, in court if he wishes to do so, and a court can then reach a decision on what information Santander ought to share with Mr M, and indeed on whether that information would affect the relationship between him and Santander. I don't think it would be fair and reasonable to require Santander to respond to those arguments, in advance of any such court case.

Mr M also said Santander had indicated it would not send him the information he wanted about its internal structure, funding or accounts, if he made a data subject access request. Mr M asserts that this breaches his data access rights.

I understand that Mr M hadn't made such a request, when his case came to our service. So, like our investigator, I don't think I could reach a decision that Santander hasn't complied with a request which doesn't appear to have been made.

On the question of whether Santander's response indicates an intention to breach data protection law, I note that our service isn't the expert on that law, so I don't think I should reach a decision in the abstract about the scope or extent of that law. The Information Commissioner's Office is the expert on this area, and may be best placed to respond to Mr M's questions about Santander's declared intentions.

On the evidence I've seen to date, I don't think Santander has been unfair or unreasonable. I know that Mr A will be disappointed, but I don't think this complaint should be upheld.

### **My final decision**

I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 3 June 2025.

Esther Absalom-Gough  
**Ombudsman**