

The complaint

Mr C complains that Aviva Life & Pensions UK Limited won't give him information regarding a third party who contacted them about an investment that he is the trustee for.

What happened

Mr C is the sole trustee of a portfolio bond held in a trust with Aviva; the second trustee passed away in May 2023. In April 2024, Mr C found himself having to complain to Aviva when he tried to source information about verifying the legal ownership of the policy and reinstating regular withdrawals. During those interactions, an Aviva customer adviser explained to Mr C that a third party had contacted them about the investment, asking for information on the policy.

After Aviva refused to provide details of who the individual was that had contacted them or what information they'd asked for, Mr C decided to complain to them again. In summary, he said that he wanted to know the identity of the third party, how and when Aviva had been contacted and what information had been passed between Aviva and the third party.

After reviewing Mr C's complaint, Aviva concluded they were satisfied they'd done nothing wrong in declining his request to share the information that he'd asked of them. That's because, they said, at no point had any information about the portfolio bond or Mr C in his capacity as a trustee been disclosed to that third party. They also said, in summary, that it was their understanding that the General Data Protection Rules (GDPR) prevented them from sharing that information with Mr C.

Mr C was unhappy with Aviva's response, so he referred his complaint to this service. Mr C explained that the offending parties had been shielded by Aviva's refusal to give him the necessary information that he was seeking. And, he said, that they were misguided in their belief that the GDPR prevented them from doing so. Mr C went on to say that the GDPR was not intended to be deployed to thwart a trustee that wants to make proper decisions concerning a trusteeship.

The complaint was then considered by one of our Investigators. He concluded that Aviva hadn't treated Mr C unfairly when they'd declined to give him the information that he'd asked for. That's because, our Investigator said, there was no agreement that states Aviva must provide information about a third party to Mr C; their relationship with him is one where they provide a service regarding products that he owns, manages or administers. As none of either his or the trust's information was shared with that third party, he couldn't conclude that Aviva's conclusion on the matter was unreasonable.

Mr C, however, disagreed with our Investigator's findings. In summary, he said that it was necessary for him to have details of the individual who'd tried to source information about the investment, to ensure that future withdrawals would not be plundered by the relevant offending third party individual.

Our Investigator was not persuaded to change his view as he didn't believe Mr C had presented any new arguments he'd not already considered or responded to. As Mr C remained unhappy with that outcome, the case has come to me for a 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 have summarised this complaint in less detail than Mr C has done and I've done so using my own words. The purpose of my decision isn't to address every single point raised by all of the parties involved. If there's something I've not mentioned, it isn't because I've ignored it - I haven't. I'm satisfied that I don't need to comment on every individual argument to be able to reach what I think is the right outcome. No discourtesy is intended by this; our rules allow me to do this and it simply reflects the informal nature of our service as a free alternative to the courts. Instead, I will focus on what I find to be the key issue here, which is whether Aviva have been reasonable in refusing to provide details of who contacted them about the investment policy that Mr C is trustee for and what information they asked for. So, for the avoidance of any doubt, I won't be considering any earlier complaint points that Mr C may have made to Aviva about the policy.

My role is to consider the evidence presented by Mr C and Aviva in order to reach what I think is an independent, fair and reasonable decision based on the facts of the case. In deciding what's fair and reasonable, I must consider the relevant law, regulation and best industry practice. Where there's conflicting information about what happened and gaps in what we know, my role is to weigh up the evidence we do have, but it is for me to decide, based on the available information that I've been given, what's more likely than not to have happened. And, having done so, I'm not upholding Mr C's complaint and it's largely for the same reasons that our Investigator has set out - I'll explain why below.

I want to start by reassuring Mr C that I've read very carefully all of the correspondence that he's submitted to this service about the matter – I very much gained a sense of how seriously he takes his responsibility as a trustee. And, I can well understand why he wishes to know who contacted Aviva about the investment and what their motivations may have been.

In his complaint to Aviva and this service, Mr C has said that he wanted to know the identity of the third party that had contacted them about the trust, how and when Aviva had been contacted and what information had been passed between Aviva and that third party. From what I've seen, Aviva have partially answered Mr C's question. They have explained that at no point were any of Mr C's details or that of the trust shared with any individual. It's therefore clear to me that no data breach has occurred and I've seen no evidence (or suggestion) that the investment has been improperly accessed. Aviva say that they have robust controls in place to ensure their customers' investments and information are safeguarded from unauthorised access and from I've seen, those controls appear to have worked in this instance.

So, I've gone on to consider whether it's reasonable for Aviva to share details of the individual who contacted them about the investment. And, having thought carefully about what Mr C has said, I don't think it is.

Mr C says that he has documentary evidence that confirms since 2019, probably earlier, the beneficiary's bank account that the trust remitted monies to has been tampered with; Mr C

believes a third party had access to its funds. Mr C says that if he doesn't know the details of the individual that contacted Aviva, he can't be sure that a person other than the beneficiary could not have access to the bank account where the monies from the investment are remitted to. But, I think that's an entirely separate matter. If Mr C is concerned about an individual inappropriately accessing the bank account where the trust monies are remitted to (which he set out in his letter to this service of 22 May 2025), he should consider highlighting the matter to the relevant bank to bring it to their attention, or encourage the beneficiary (if able to do so), to be cognisant of his concerns or bring the matter to the attention of the police. And, if the matter is referred to the police, it's up to them to decide whether it's relevant and necessary to seek out details from Aviva on who the individual was that contacted them for details of the trust investment.

But, I won't be asking Aviva to share details of who contacted them about the investment because whilst they have a duty of care to protect both the trust's and his details (which as I've already concluded, I'm satisfied that they have), they also have an obligation not to disclose any information that could breach the rights of that third party. Aviva's relationship with Mr C, as a trustee of the investment, includes providing him with various information to help him manage the investment on behalf of the beneficiary. But, that doesn't extend to telling him who might have contacted them about the investment that he manages. I'm satisfied that Aviva have gone far enough to satisfy his information needs by providing reassurance that no information was shared about the investment or trust so I can't reasonably conclude that they need to go further. I'm not going to ask Aviva to disclose any information about the third party to Mr C, just as I wouldn't ask them to disclose the data of any other individual to anyone else. It therefore follows that I'm not upholding Mr C's complaint.

My final decision

I'm not upholding Mr C's complaint and as such, I won't be instructing Aviva Life & Pensions UK Limited to take any further action on the matter.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C as trustee of the Demetrious Panayi Will Trust to accept or reject my decision before 23 August 2025.

Simon Fox
Ombudsman