

The complaint

Mr A complains that Bank of Scotland plc trading as Halifax sent him a promotional email after he had closed his account. Mr A is also unhappy with the service he received when he complained about this to Halifax.

What happened

Mr A held a credit card account with Halifax which he closed on 13 January 2025. Mr A was unhappy to receive a promotional email from Halifax on 16 January 2025. He wanted Halifax to apologise and pay compensation for the time spent dealing with this.

As Halifax didn't uphold his complaint, Mr A came to our service for help. Our first investigator didn't uphold his complaint. Our investigator said that Halifax had already selected the campaign communication data on 9 January 2025. This meant that Halifax still sent the email despite Mr A's account being closed.

Mr A disagreed with the investigation outcome. He said that Halifax's handling of his complaint compounded his frustration as the call handler was rude and dismissive. And he found the final response letter unprofessional and lacking information.

Mr A said that while he understood Halifax's explanation of why it sent the system generated email, this didn't mean he was not inconvenienced. Mr A was unhappy that, despite wasting his time, Halifax didn't offer any compensation. He thought that there was a flaw in Halifax's systems which allowed it to send communication after an account had been closed.

As Mr A was unhappy with the investigation outcome, our investigator asked for additional information from Halifax. After receiving some call recordings, a second investigator took over the complaint investigation. The second investigator still didn't uphold Mr A's complaint.

In summary, the second investigator didn't find anything unreasonable about the timings of the email. He appreciated that Mr A had been inconvenienced but said that making and dealing with a complaint will inevitably take some time.

The second investigator noted that Mr A raised two new points - the conduct of Halifax's agents over the phone and the reason he'd closed his account. Our investigator listened to two calls between Mr A and Halifax – one on 17 January 2025 and another on 21 January 2025. Our investigator was satisfied that Halifax treated Mr A fairly during the calls. He also explained that if Mr A was unhappy about a charge which Halifax had applied to his account, which in turn led him to close the account – he would have to raise this first with Halifax.

Mr A remains unhappy with the second investigation outcome. He says the investigator's justification for not upholding the complaint - that Halifax selected the email for sending on 9 January 2025 prior to the account closure on 13 January 2025 – is wrong. Mr A says he didn't receive the email until after the account was closed. So, he wants us to examine not only when Halifax queued the email, but when the email was sent and received.

Mr A says that it's unacceptable for customers to receive marketing communications after an

account has been closed without opt-in consent. He thinks the second investigator has overlooked a breach of data handling principles.

Mr A is unhappy that the second investigator has failed to consider points arising in the natural course of the investigation. Mr A says the refunded charge, which led to him deciding to close the account, was fundamental to the timeline of his dissatisfaction.

Mr A also says his unhappiness with the way Halifax treated him was linked to his original complaint, so should not have been disregarded. Mr A maintains that Halifax's conduct towards him, while polite on the surface, was dismissive and unprofessional.

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 realise that I have summarised this complaint in less detail than the parties and that I have done so using my own words. The rules which govern us, together with the informal nature of our service allow me to take this approach. But this doesn't mean I have not considered everything the parties have provided to us. And if I don't refer to all the arguments which Mr A has raised, this is because I have focussed on what I consider to be the key issues as they relate to the complaint I am deciding.

At the heart of Mr A's complaint is his unhappiness at receiving a promotional email after he had closed his account, which in turn has led him to spend time contacting Halifax.

I don't think there is any dispute that Mr A received the email after his account had closed. Both investigators explained that the email had been queued or selected to be sent prior to the account closure. So, I don't think they were suggesting that Halifax sent the email before 16 January 2025.

Marketing material and account related correspondence, such as the email which Mr A received after he'd closed his account, is often prepared in advance and so may still be sent out after an account has been closed. Halifax explains that it inputted the data into the overnight batch on 8 January 2025 for output to customers on 9 January 2025. It says the data it sent was based on information it held on its' systems as of 7 January 2025. So, Halifax couldn't have stopped the email from going out to Mr A even though by the time he received it, he had closed his account. I understand that Mr A would like further evidence of when Halifax queued the email. But for the purposes of resolving this complaint, I accept Halifax's explanation of what happened.

I appreciate that Halifax may not have specifically told Mr A that this could happen and that receiving the email made him concerned about the closure of his account. But I don't think this means that Halifax made a mistake when it sent an email which it had scheduled before Mr A closed his account. This is not to detract from the inconvenience and upset caused to Mr A because he received the email. It's simply that as I don't think Halifax made a mistake, I can't fairly require it to compensate Mr A for the inconvenience caused to him by following up on the email. Particularly as having listened to the call which Mr A had with Halifax after he received the email, he didn't seem unduly concerned that his account may not have been properly closed. And the agent confirmed that Mr A's credit card account had been closed, thereby minimising any potential concern on his part.

Mr A has referred to a potential breach of data handling regulations, but this service can't decide whether there has been a data breach – that would be up to the regulator, the Information Commissioner's Office (ICO) to consider. Mr A has already mentioned a referral

to the ICO, so I leave this with him to take forward if he chooses.

Turning to Mr A's treatment by Halifax after he received the email – I should say that complaint handling in itself is not generally a regulated activity about which we can consider complaints. Saying that, I have listened to the calls Mr A had with Halifax on 17 and 21 January 2025. Like our investigator, I don't consider the agents treated Mr A unfairly or unreasonably.

During the call on 17 January 2025, the agent said it was likely that Halifax had prepared the email before it closed the account but wanted to check this with his manager. Mr A said he wasn't interested in what Halifax was doing in the background and explained that he was unhappy because he had received the email and was now being inconvenienced. I understand the point which Mr A was making, but as part of trying to resolve his complaint about the email, I think it was fair for Halifax to get further information during the call.

When Mr A spoke to the complaints team on 21 January 2025, the agent explained that promotional material is set several weeks in advance, so customers may continue to receive material after Halifax closes an account. Mr A didn't accept the agent's apology, but I don't think this means Halifax made a mistake during the call or that it treated him unfairly because it wouldn't uphold his complaint.

On the question of the incorrect charge which led Mr A to close his account, I understand his frustration that we haven't considered this as part of his complaint, as it is part of the reason for his dissatisfaction with Halifax. I think the distinction here is that while the charge may form part of the background to his complaint, if Mr A wants to complain about the charge itself – he would have to first raise that as a separate complaint with Halifax. This is because the businesses which we cover, need to have the chance to respond to a complaint before it comes to us. I hope that Mr A understands.

I am sorry to disappoint Mr A, but for the reasons set out above, I don't find that Halifax needs to take any action in response to his complaint.

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 Mr A to accept or reject my decision before 8 August 2025.

Gemma Bowen
Ombudsman