DRN-5674728

The complaint

Ms L complains that Bank of Scotland plc trading as Halifax didn't respond to a subject access request she made in late 2020 or early 2021, and she also complains about customer service on two recent calls.

What happened

This mortgage is in joint names, but in the particular circumstances of this case, our service has agreed to open this complaint in Ms L's sole name, without the involvement of the other party named on the mortgage.

Ms L originally asked to raise a number of further issues with our service, including about changes she said had been made to her mortgage without her consent. Our service has provided a decision explaining why we're not able to look into those matters for Ms L, and I don't think it would be appropriate for me to reopen that issue here.

Ms L said this mortgage was taken out with Halifax many years ago. Some time after that, she'd separated from the other party named on the mortgage. Ms L also told us that in late 2020 or early 2021, after she'd made a number of complaints about changes to the mortgage made without her consent, she'd made a subject access request, which Halifax hadn't complied with. She also said when she complained again recently, Halifax was rude to her.

Halifax said it had no record of a subject access request in late 2021 or early 2022. It said it would be happy to fulfil a subject access request for Ms L now. And it didn't think its staff had been rude when dealing with her more recent complaint.

Our investigator didn't think Ms L's complaint about these issues should be upheld. He said Halifax had shown us it didn't have a record of Ms L making a subject access request at the time, so he wasn't able to say Halifax failed to act on Ms L's request then. And he'd listened to the relevant calls, he didn't think Halifax's agents had provided poor service.

Ms L has disagreed. She said this was a serious complaint, and our service needed to deal with it. Ms L sent us evidence of her health, and told us more about the impact things have had on her. But our investigator didn't change his mind. Because no agreement was reached, this case was passed 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 considered all the available evidence and arguments to decide whether our service can consider this case. And I've reached the same overall conclusion on this complaint as our investigator.

Halifax has sent us the contact notes it holds for Ms L, dating back to before 2020. Those show that Halifax spoke to Ms L a number of times in late 2020 and early 2021. But I haven't been able to see that Halifax has noted a subject access request from her. I can see that in 2018, Ms L had asked for a full transaction history for the mortgage, and Halifax sent that. So there's nothing to make me think that Halifax would not have sent Ms L all of the documentation required to fulfil a subject access request, if it had received that request from her. So I'm not able to say that it's most likely that Halifax failed to fulfil a subject access request it received in late 2020 or early 2021.

I've listened to the two calls that Ms L had with Halifax in October 2024, when she said Halifax's service was unacceptable. I understand that Ms L would be very disappointed to hear that Halifax didn't intend to reopen her complaints, and I appreciate that on the second call, in particular, Halifax's agent communicated this firmly. However, I don't think Halifax's service on these calls failed to meet an acceptable standard for customer service.

I know that Ms H will be very disappointed by my decision, 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 Ms L to accept or reject my decision before 5 August 2025.

Esther Absalom-Gough
Ombudsman