

## **The complaint**

Mr P complains Nationwide Building Society ('Nationwide') didn't fulfil his Data Subject Access Request (DSAR). He said that prevented him resolving another issue he had with Nationwide.

For background I've included below some information about another complaint Mr P has made, but my decision here relates solely to Mr P's complaint about how Nationwide handled his DSAR.

## **What happened**

In August 2023 Mr P had an investment bond with Nationwide which was due to mature that month. He wanted to invest the proceeds of the matured bond in a new bond with Nationwide, but he had a longstanding problem which meant he couldn't access his account online. So he wrote to Nationwide asking it to invest the proceeds in the new bond for him. Nationwide sent Mr P a reply but Mr P said it was unhelpful. He asked Nationwide to find a way to invest his proceeds in the bond he wanted or – if it couldn't do that – pay him the proceeds by cheque so he could invest elsewhere.

Mr P chased a response in December 2023 but subsequently found Nationwide had placed the proceeds of the matured bond in an instant access savings account with what he considered a very low rate of interest.

On 28 January 2024 Mr P wrote to Nationwide's complaints team saying Nationwide hadn't responded to correspondence and he wanted compensation for not being invested in the bond he'd asked for. Nationwide responded on 8 February 2024 saying it couldn't find any correspondence from Mr P so it didn't think it had done anything wrong. It said if Mr P was dissatisfied he could refer his complaint to this service within six months and if he referred the complaint outside that time this service wouldn't have Nationwide's permission to consider it.

On 18 February 2024 Mr P submitted a DSAR to Nationwide. He asked for all documents relating to his account that had been received or created between 1 July 2023 and 18 February 2024.

On 27 February 2024 Nationwide wrote to Mr P and asked him for information to authenticate his identity before it fulfilled his DSAR. Mr P replied on 3 March 2024 saying the request was unreasonable. He cited guidance from the Information Commissioner's Office. In summary the guidance said identify verification had to be reasonable and proportionate and further information shouldn't be requested if the requester's identity was obvious, particularly if there was an ongoing relationship, and a business could use existing verification measures such as a username and password that were already in place. Mr P also said Nationwide had already authenticated him and it had been unreasonable to expect Mr P to telephone during the day or visit a branch when he had to work and was unlikely to be near a branch during opening hours.

On 15 March 2024 Nationwide wrote to Mr P saying his signature didn't match the signatures Nationwide held on record for him and Nationwide had been unable to reach him by phone to verify him verbally. So it hadn't been able to authenticate his identity. And so it hadn't been able to progress his DSAR. It said if Mr P wanted to proceed he could contact Nationwide by telephone on a number provided between 9am and 5pm Monday to Friday, visit a branch with two forms of identification, or contact Nationwide by web chat.

On 24 March 2024 Mr P wrote to Nationwide again, reiterating why he objected to Nationwide's request and saying his signature hadn't changed.

On 9 April 2024 Nationwide wrote saying it hadn't been able to confirm Mr P's identity so his DSAR was closed. It repeated what he could do if he wanted to proceed with the DSAR.

On 14 April 2024 Mr P wrote to Nationwide disagreeing with its position on his DSAR. He said he'd hoped the DSAR would yield information that would stop him needing to refer his complaint about the investment bond to this service. But he now wanted to refer both complaints to this service. He asked Nationwide to confirm that it had given him its final response on his complaint about the DSAR which he referred to as his '*secondary complaint*'.

On 16 May 2024 Nationwide responded to Mr P's complaint about its handling of his DSAR. It didn't think it had done anything wrong. In summary it said it had been unable to establish contact with Mr P to authenticate him and to keep his information safe and to meet its regulatory responsibilities it couldn't release the data to Mr P without authenticating him. It repeated how he could proceed if he wanted to.

On 14 June 2024 Nationwide wrote to Mr P saying it had looked again at the concerns about the DSAR which it had responded to on 16 May 2024 but it wasn't changing its position. It said the time allowed for Mr P to refer his complaint about the DSAR to this service was six months from 16 May 2024 which was the date Nationwide had responded to the complaint about the DSAR. It noted Mr P wanted to refer his complaint about the investment bond too. It said they were two distinct complaints and Mr P would need to refer both complaints separately to this service if he wanted both referred.

On 10 November 2024 Mr P referred a complaint to this service. He said he'd been unable to reinvest the proceeds of the matured bond and Nationwide had made things more difficult by not restoring his online access and not giving him the information he'd requested under the DSAR which would've helped him work out what had gone wrong. Mr P referred to guidance from the Information Commissioner's Officer which said requests for identification should be reasonable and proportionate. He wanted Nationwide to respond to his DSAR and compensate him for missing out on being invested in the bond he'd wanted.

One of our investigators said this service couldn't consider the complaint about how Nationwide handled the proceeds of the matured bond because Mr P had missed the deadline for referring that complaint to this service as set out in the rules that govern how this service must handle complaints.

But the investigator did look into Mr P's complaint about how Nationwide handled his DSAR. And the investigator didn't think Nationwide had done anything wrong. In summary he said Nationwide's request to verify Mr P's identity wasn't unreasonable. Nationwide had a process in place to authenticate Mr P and protect his data as part of its regulatory obligations. And the investigator wasn't satisfied it had acted unfairly or unreasonably. He said Nationwide had provided Mr P with multiple fair and reasonable options to complete the authentication, including by phone or webchat. And Mr P could refer his complaint to the Information Commissioner's Office if he wanted to, using a link provided by the investigator.

Mr P didn't agree with the investigator's view. In summary he said the following:

- The investigator hadn't addressed the issue Mr P had been attempting to resolve by issuing the DSAR. And Mr P had an unresolved problem that he couldn't access his online account to invest his money in the bond he wanted.
- The purpose of the DSAR was to enable Mr P to see what had happened with his request to restore his online access and transfer funds. And Nationwide failed to help him use its products and services.
- Nationwide's response to Mr P's DSAR was disproportionate and contrary to guidance from the Information Commissioner's Office.
- Nationwide regularly sent Mr P sensitive information to the address he used for the DSAR. The fact Mr P had responded to correspondence Nationwide sent there should've showed Nationwide he had a continuing association with the address.
- Nationwide had already verified Mr P's identity and none of his details had changed.
- Nationwide's specific requirements for authentication were unreasonable and disadvantaged people with conventional working hours. Nationwide didn't offer an evening or weekend phone service. And visiting a branch was impractical because Mr P worked out of town and branches were closed at the time he could visit.
- Many online identity verification services were available 24 hours per day Nationwide could've found alternative ways to confirm identity.

Because no agreement could be reached, the complaint was passed to me to review afresh and make 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.

Having done so, I'm not upholding the complaint, for broadly the same reasons given by the investigator on this complaint. I'll explain why.

The purpose of this decision is to set out my findings on what's fair and reasonable, and explain my reasons for reaching those findings, not to offer a point-by-point response to every submission made by the parties to the complaint. And so, while I've considered all the submissions by both parties, I've focussed here on the points I believe to be key to my decision on what's fair and reasonable in the circumstances.

As I've said, this decision relates solely to Mr P's complaint about Nationwide's handling of his DSAR. Whether this service can look into Mr P's concerns about Nationwide's handling of the investment bond has been considered under a separate complaint.

I'm also not looking at whether Nationwide is in breach of data protection rules – that's beyond my remit. It's not the function of this service to make findings of non-compliance with data protection rules. That function belongs to the Information Commissioner's Office (ICO). And Mr P is aware he can make a complaint to the ICO if he wants to. But in deciding whether Nationwide has acted fairly and reasonably in the circumstances of this complaint I've taken into account the data protection rules and related guidance which Mr P has cited.

I understand Mr P viewed his DSAR as important for enabling him to find out what had gone wrong when he'd written to Nationwide about investing in a new bond. He told Nationwide he thought he might be able to avoid pursuing a formal complaint and referring his complaint to this service if he had the information he requested from Nationwide. And it's fair to expect Nationwide to help Mr P sort out problems and not make things more difficult than necessary.

Having considered this carefully I'm satisfied Nationwide responded to the DSAR in a fair and reasonable way. It replied promptly enough. And it set out why it hadn't given Mr P the information he sought and what he could do about that.

Mr P objected to Nationwide's request to '*authenticate*' him before providing the information he requested under the DSAR. But in managing his personal data Nationwide had to comply with a range of regulatory and legal requirements. As well as avoiding unnecessary requests for information Nationwide had to take care who it communicated Mr P's information to. And as a starting point I think Nationwide had the discretion to decide how it would do that and when it would be satisfied that it had sufficiently verified Mr P's identity for the purpose of responding to the DSAR.

I can understand Mr P's frustration given Nationwide had verified his identity in the past and he felt nothing had changed. But it's not unusual for providers of financial services to carry out new checks from time to time. And in the particular circumstances of this complaint I'm satisfied it was proportionate for Nationwide to want to verify Mr P's identity given the sensitivity of the information it was likely to hold about him and the damage that could be caused if it shared that information too widely.

I've taken into account that Mr P has said he he'd lost access to his online account. So it's unlikely he could now be verified through his online username and password even if he'd used them in the past. And Nationwide said it had concerns over the consistency of Mr P's signatures. And although Mr P disagreed that there was any issue with his signature Nationwide was entitled to take its own view on that given it had regulatory responsibilities to satisfy itself about Mr P's identity. Taking all the factors into account I'm not persuaded it was unfair or unreasonable for Nationwide to want to check Mr P's identity before providing his personal information in response to the DSAR.

I understand it wasn't convenient for Mr P to make a phone call, visit a branch during business hours or use webchat. But even so it wasn't unreasonable for Nationwide to expect him to take one of those options. He didn't need to have his identity verified frequently – so if he had to take a small amount of time during a working day to give Nationwide the information it needed I wouldn't say that was so onerous as to be unfair or unreasonable.

Overall I can understand Mr P's frustration in this case. But I haven't found Nationwide has treated him unreasonably or unfairly in the particular circumstances of the complaint I've considered here. So I'm not asking Nationwide to do anything.

### **My final decision**

For the reasons I've set out above, 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 P to accept or reject my decision before 3 September 2025.

Lucinda Puls  
**Ombudsman**