

The complaint

Miss S complains that Scottish Widows Limited has treated her unfairly by refusing to provide her with information about the pension investments held by her late father.

What happened

Miss S has been assisted in making this complaint, and in her dealings with Scottish Widows, by a friend. But in this decision, for ease, I will generally refer to all communication as if it has been with, and from, Miss S herself.

Miss S' father (who I will call Mr X) sadly passed away in 2014. Due to an administrative error Scottish Widows failed to identify that death benefits were payable from a pension policy that he held. Scottish Widows corrected that error in 2022 when it exercised its discretion and paid the death benefits to Miss S together with significant compensation for her distress and inconvenience. Miss S initially complained about that settlement but later told us she accepted the compensation she had been paid. When Miss S tried to reopen that complaint in 2024 we explained that too much time had passed since she had accepted Scottish Widows' offer so we couldn't help her further.

In August 2024 Miss S asked Scottish Widows for further information about the nature and value of her late father's pension holdings. When it failed to provide the information she had requested Miss S sent a Subject Access Request ("SAR") to Scottish Widows asking for the relevant information it held to be released to her.

At first Scottish Widows failed to respond to the SAR so Miss S complained to the firm about its lack of response. Scottish Widows apologised that it hadn't responded to the request and paid Miss S £300 as compensation for the inconvenience she'd been caused. Scottish Widows sent Miss S the information it held that related to her. But it explained that a SAR only related to living individuals so it couldn't provide her with the information it held about her late father.

Miss S also asked the Information Commissioner's Office ("ICO") to intervene. Scottish Widows provided Miss S with a further response reiterating why it couldn't provide her with information about her late father. But it told Miss S that, if she were to demonstrate she was acting as the executor of Mr X's affairs, it would be able to help her further. Unhappy with that response Miss S brought her complaint to us.

One of our investigators has assessed Miss S' complaint. The investigator didn't think that the payment of the death benefits to Miss S (at Scottish Widows' discretion) gave any inference that Scottish Widows had accepted Miss S as being entitled to deal with matters arising from Mr X's estate. So the investigator didn't think that Miss S was entitled to receive the information she sought about Mr X's pension affairs. But the investigator agreed that Scottish Widows had caused a considerable delay in dealing with the SAR, although she thought that the £300 that Scottish Widows had paid to Miss S as compensation for the delay was fair. So the investigator didn't think the complaint should be upheld.

Miss S didn't agree with that assessment. So, as the complaint hasn't been resolved informally, it has been passed to me, an ombudsman, to decide. This is the last stage of our process.

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.

In deciding this complaint I've taken into account the law, any relevant regulatory rules and good industry practice at the time. I have also carefully considered the submissions that have been made by Miss S and by Scottish Widows. Where the evidence is unclear, or there are conflicts, I have made my decision based on the balance of probabilities. In other words I have looked at what evidence we do have, and the surrounding circumstances, to help me decide what I think is more likely to, or should, have happened.

At the outset I think it is useful to reflect on the role of this service. This service isn't intended to regulate or punish businesses for their conduct – that is the role of the Financial Conduct Authority. Instead this service looks to resolve individual complaints between a consumer and a business. Should we decide that something has gone wrong we would ask the business to put things right by placing the consumer, as far as is possible, in the position they would have been if the problem hadn't occurred.

It is understandable, after what happened around the time of her father's death, that Miss S has limited confidence in the information Scottish Widows has given her about the value of the death benefits that were due to her. But I'm sorry to tell Miss S that I think the time for challenging that information passed in 2022 when she accepted the compensation Scottish Widows paid to her in respect of the delays it had caused to the benefit payment. And that was explained to her when she asked for her complaint to be reopened in 2024.

When it paid the death benefits to Miss S, Scottish Widows did so by exercising its discretion under the terms and conditions of the pension plan. By making that payment Scottish Widows didn't need to satisfy itself that Miss S was legally entitled to deal with the estate of Mr X.

The complaint that is now before me to decide is in relation to the SAR that Miss S submitted in August 2024. And whilst there is naturally some cross-over in the powers that I, and the Information Commissioner, hold I think it reasonable that I deal with what happened.

As Scottish Widows has explained to Miss S, a SAR only applies to a living person. The guidance issued by the ICO would suggest that a SAR need not be fulfilled after a person's death, even if the request had been submitted whilst they were alive. Here the SAR was issued many years following the death of Mr X. So in this case I don't think Scottish Widows acted incorrectly in only providing the information it held that related to Miss S (rather than Mr X) when it responded to the SAR.

It is clear, and Scottish Widows accepts, that the SAR was not dealt with in a timely manner. Whilst there were undoubtedly some complexities in Scottish Widows deciding what information it could reasonably release to Miss S, I don't think that provided grounds for Scottish Widows to simply ignore Miss S' request for an extended period of time. At the very least Scottish Widows should have acknowledged Miss S' request and kept her updated on the progress it was making to provide the information she was entitled to receive.

The nature of Miss S' request (about pension savings held by her late father) increased the sensitivity that Scottish Widows should have shown when dealing with it. So, I think its

failures will have caused some distress and inconvenience to Miss S. In response to her complaint, Scottish Widows acknowledged that it hadn't dealt with matters as it would have wanted to and paid her £300 in compensation.

I have thought carefully about the compensation Scottish Widows has paid to Miss S in relation to its failings in not dealing with the SAR in a timely manner. I've also considered what I would normally award in circumstances such as these. Having done so I am satisfied that the compensation Scottish Widows has already paid is fair and reasonable and in line with any award I would have made on this complaint. So, I don't think Scottish Widows needs to pay anything more to Miss S.

I appreciate how disappointing this decision will be for Miss S. Sadly, as she is not authorised by law to receive information about her late father's affairs, Scottish Widows cannot answer the questions that she is now asking. I would however remind Miss S that, if she can show she has legal responsibility for her late father's estate, Scottish Widows has said it will be able to release the relevant information to her. I don't think Scottish Widows dealt with Miss S' SAR sufficiently quickly, but I think the compensation it has paid to her is fair and reasonable in all the circumstances.

My final decision

For the reasons given above, I don't uphold the complaint or make any award against Scottish Widows Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss S to accept or reject my decision before 3 October 2025.

Paul Reilly
Ombudsman