

## **The complaint**

Mr and Mrs H, Mrs M and Mr M complain that, during the process of placing their life policy in trust, an appointed representative of First Complete Limited, trading as PRIMIS Mortgage Network ("PRIMIS"), sent their personal details to an unauthorised third party.

Mr and Mrs H are the policy holders and bring the complaint on behalf of themselves and on behalf of Mrs M and Mr M, who are the trustees.

The policy and the trust were arranged by Insurance First Ltd who is an Appointed Representative of PRIMIS. As such, PRIMIS has taken responsibility for this complaint and, for ease, I'll refer to PRIMIS as the business throughout my decision.

## **What happened**

Mr and Mrs H met with PRIMIS to arrange a life policy and to put that policy in trust for their children, appointing Mrs M and Mr M as trustees. The life policy was provided by a company that I'll refer to as "A". The meeting took place online and PRIMIS completed A's online application during the meeting. PRIMIS made a mistake with Mr M's address and this led A to send documentation to the wrong address.

PRIMIS apologised for the error. It noted that the documents included names, addresses and dates of birth, so the data breach related to personal, rather than sensitive data. It said A couldn't confirm whether the envelope had been returned to it. It offered to pay Mr and Mrs H £250 by way of an apology and to compensate them for the inconvenience it had caused them. It suggested that, if Mr and Mrs H had concerns that their information could be used to attempt fraudulent activity, they could join CiFAS.

Mr and Mrs H didn't accept this offer, saying that £250 wasn't enough to compensate for the breach of six individuals' personal information (themselves, the two trustees and the two beneficiaries).

Our investigator recommended that the complaint should be upheld. She thought about the impact the data breach had had on each of the individuals. She noted that no information about the beneficiaries, other than their names, was included in the documents sent to the wrong address, so she didn't think there was any impact on them. She concluded there had been an impact on the other parties and she noted that it was Mr M's address that was incorrect; that Mrs M had previously been a victim of identity fraud; and that Mr and Mrs H were dealing with a potentially serious medical issue around this time. Taking all this into account, she thought £300 each was fair and reasonable compensation. She also thought that, if Mr and Mrs H, Mrs M and Mr M chose to join CiFAS, PRIMIS should cover the membership cost for two years for each of them, which would reflect its own redress process.

PRIMIS didn't agree. It said, in summary, that:

- The investigator's conclusions assume that the envelope was opened by an unauthorised third party. There's no evidence to show this is the case.

- A's inability to confirm whether the envelope was returned to it is unsatisfactory.
- Whilst it sympathised with Mrs M having experienced identity theft, this is unrelated to what happened here and is irrelevant.
- The investigator has recommended compensation payments to Mrs M and Mr M, but they did not complain and any decision about Mr and Mrs H's complaint shouldn't include them.
- The investigator noted that PRIMIS had awarded a higher amount under its redress policy in the past. But that isn't relevant to this complaint.

Mrs H replied to our investigator to give some more information about Mrs M, and to explain a bit more about her own personal circumstances at the time. I won't detail that here, due to confidentiality.

### **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.

PRIMIS has acknowledged it made a mistake. It's corrected Mr M's address and it's offered compensation. As such, the only thing I need to decide is whether that offer is fair, or whether PRIMIS needs to do anything more to put things right.

Having considered everything carefully, I agree with our investigator's conclusion for the following reasons:

Whilst Mr and Mrs H complained to PRIMIS, they are not the only eligible complainants here. Mr and Mrs H bring the complaint as the policy holders. I think it's clear from their correspondence with PRIMIS that they were also concerned about the impact of the mistake on the trustees and the beneficiaries and that they were also seeking compensation on their behalves. And I can see from PRIMIS's internal notes that it was expecting to receive complaints from the other parties. Mrs M and Mr M have joined in the complaint since it was referred to us and I find they are eligible to do so as trustees.

Information about the trust deed and the life policy was sent to an unauthorised third party by mistake. That third party was relatively easily traced by Mr M. He was told that the envelope was returned to A. On the face of it, it would seem that the envelope wasn't opened and the personal information in it wasn't compromised. But A hasn't been able to confirm the envelope was received back. I understand why PRIMIS finds this "unsatisfactory", but it must remember it, not A, was the cause of this mistake. So, whilst it is unfortunate A hasn't been able to provide confirmation, it means it's uncertain exactly what happened. So it's understandable that the complainants are worried that their personal information may have been shared without their authority.

The documents only included the names of the beneficiaries. So I don't find the documents contained enough information about them for a third party to use that information. In the circumstances, I don't find PRIMIS needs to compensate the beneficiaries for its mistake.

The documents did include the full names, addresses and dates of birth of Mr and Mrs H and Mrs M and Mr M. It's understandable that they are concerned that this information could be used for fraudulent purposes.

So I find PRIMIS's mistake did cause distress and inconvenience to each of the four parties. In deciding the level of compensation, I need to think about the impact the mistake had on each of them. I don't agree with PRIMIS when it says their individual circumstances at the

time are irrelevant. The distress and inconvenience caused by a mistake can be considerably worse if someone is already experiencing a stressful time.

Mr and Mrs H have told us about the particularly stressful situation they were experiencing at the time, due to medical issues. And they say the appointed representative was aware of this. They also felt responsible for the stress and inconvenience caused to Mrs M and Mr M because they'd asked them to be trustees. I agree with the investigator that compensation of £300 each is fair and reasonable.

It was Mr M's address that was recorded wrongly by PRIMIS. He attempted to trace who had received the letter intended for him. So I find he not only had the worry that his personal information had been compromised, but he was inconvenienced by having to try to find the letter. I think £300 compensation is fair and reasonable.

Mrs M had recently been a victim of identity fraud. Naturally, this was stressful for her and Mrs H tells us that Mrs M had become very nervous and worried. She had become particularly vigilant to ensure her personal information didn't get into the wrong hands. So I find the impact of knowing her personal information had been sent to a wrong address would have been distressing for her. I think £300 is fair and reasonable to compensate her for the distress caused.

PRIMIS suggested Mr and Mrs H might want to join CiFAS. I find that, should they and/or Mrs M and Mr M decide to do this, PRIMIS should reimburse them for the membership cost of the first two years, on receipt of evidence of that cost.

### **My final decision**

For the reasons I've explained, First Complete Limited, trading as PRIMIS Mortgage Network, should:

1. Pay £300 each to Mr H, Mrs H, Mrs M and Mr M to compensate them for the distress and inconvenience caused.
2. On receipt of evidence that they have joined, reimburse Mr H, Mrs H, Mrs M and Mr M for the membership cost for two years.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H, Mr H, Mrs M and Mr M to accept or reject my decision before 21 October 2025.

Elizabeth Dawes  
**Ombudsman**