

The complaint

X complains that St James's Place Wealth Management Plc trading as St James's Place (SJP) disclosed information she gave it in connection with a mortgage application without her consent.

What happened

In 2021 and 2022, X and her then partner took mortgage advice from SJP. Their relationship later broke down, and in 2025 there were financial dispute resolution proceedings in the Family Court.

X says that the adviser she dealt with at SJP gave evidence in the proceedings on behalf of her former partner. She says that the adviser included sensitive information about her financial circumstances at the time. This information was confidential and disclosed without her consent. X says this is a breach of data protection law and financial regulation. X says that the judge found the adviser's evidence to be unreliable and not impartial – and that the judge said that giving evidence might amount to a breach of data protection and should be reported to the Financial Conduct Authority (FCA), the financial regulator.

X complained to SJP. As it did not respond within the eight week time limit, X brought her complaint to us. Our investigator didn't think it should be upheld, so X asked for her complaint to be considered by an ombudsman.

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'm sorry to hear of the difficult circumstances X has found herself in, and everything she's been through.

It's important to set out what the role of the Financial Ombudsman Service is – and what the limitations on our role are. The Financial Ombudsman Service seeks to resolve individual complaints by reference to what is fair and reasonable in all the circumstances – in doing so I take into account, among other things, relevant law. A complaint is an expression of dissatisfaction about the provision of (or failure to provide) a financial service which alleges financial loss or material distress or inconvenience. But the Financial Ombudsman Service does not police compliance with data protection law. That's a matter for the Information Commissioner's Office (ICO). Nor do we police compliance with financial regulations, or the professional conduct of regulated advisers and firms – that's a matter for the FCA.

The financial service in this case was provided in 2021 and 2022, when SJP gave mortgage advice to X and her then partner. But I'm satisfied that any ongoing obligations to keep information obtained as part of the financial service confidential are part and parcel of the financial service, even after it has concluded. I therefore agree that I have the power to consider this complaint – at least to some extent.

I've seen a copy of a court order dated 13 January 2025. It's heavily redacted, so I haven't seen the full content. But it does include the following direction:

"The applicant [X's former partner] shall also file and serve the witness statement from the financial adviser [name of adviser], if so advised."

I have also seen a copy of the adviser's witness statement. He says "I note the Court has given permission for me to detail my dealings with [X and her former partner] in relation to the mortgages, and I therefore also include details on this matter." He then describes his recollection of a meeting with them in November 2021, documented in an email the following day. He said that he was instructed to arrange a mortgage to purchase a property, using a gift from X's parents as part of the deposit. The initial application was refused by a lender, but a second application in 2022 for a different, less expensive, property was successful. He said the second application was based on X and her former partner's resources alone with no gift or family loan. He also discussed a separate application for other family members.

X says that the court order merely authorises her former partner to serve the adviser's statement. But it's not a witness summons or an order directing the adviser to give evidence, and so it doesn't override his obligations of confidentiality. Without a witness summons or court order, there's no lawful basis for the adviser's processing of her data (to put it in data protection terms) in the form of sharing it with the court or other third parties.

I agree that it doesn't look like the order I've quoted above is directed at the adviser in terms of the contents of his statement. But it doesn't follow that I can safely find that the adviser must therefore have acted in breach of data protection obligations. Firstly, as I've said, that's a matter for the ICO. And secondly, I don't know that there wasn't some other court order authorising the making of the statement. Complying with a legal requirement is a lawful basis for processing personal data.

X says, and I'm aware more generally, that the proceedings of the family court are confidential and can't be shared. For that reason she's not given us copies of the court's orders or judgment – the copy order I've seen was provided by SJP. I understand why that's the case. But it does mean that it wouldn't be fair for me to make a finding that the adviser wasn't authorised by the court to give that evidence when I don't – and can't – see for myself what the court said. Even if X is right and the order I've seen doesn't authorise him giving evidence of matters that would otherwise be confidential, I can't know whether or not the court did so in some other way at some other time. And while X has told us that the judge was critical of the adviser in the judgment, I've not been able to verify that independently either.

For those reasons, I can't fairly make a finding that SJP acted in breach of its data protection obligations when its adviser gave evidence in the court case.

I've also thought about whether it would be fair and reasonable to uphold the complaint for any other reason. But I'm not persuaded it would. I can't fairly find there was a breach of wider confidentiality obligations for the same reasons I can't make a finding of a data protection breach; I don't have evidence about what the adviser was or wasn't required to do by the court. And in any case regulating the conduct of court proceedings – including the conduct of witnesses – is a matter for the courts not for me.

I'm not persuaded that X has suffered any loss arising out of the financial service itself. Her complaint is not about the mortgage advice, its suitability or the advice she was given at the time. There's no suggestion that SJP gave poor advice, or that the mortgage advice led to any financial loss.

X does say that the adviser's evidence ran up additional legal costs. But that's not a financial loss arising out of the mortgage advice itself. I've already explained why I can't uphold this complaint. But even if I could, the costs of court proceedings – and which party should pay them – are a matter for the courts not me. The courts have the power to direct parties to a case to pay costs, and also have the power to direct witnesses and other third parties to pay wasted costs. If there are costs consequences because of the adviser's evidence, the court is better placed than I am to deal with that.

As I say, I'm sorry to hear of everything X has been through. If X believes the adviser breached data protection law she might want to raise that with the ICO. And whether the adviser acted in breach of his broader professional conduct obligations is a matter for the FCA. Those bodies may be able to consider matters I can't. But I'm afraid I don't think I can fairly and reasonably uphold this 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 X to accept or reject my decision before 2 December 2025.

Simon Pugh
Ombudsman