

The complaint

Mrs G complains that Prestige Finance Limited won't give her information about its contact with her late husband Mr G in connection with their joint mortgage.

What happened

Mrs G and the late Mr G had a mortgage with Prestige. The mortgage was paid off in 2023 and sadly Mr G passed away in March 2025. I hope Mrs G will accept my sincere condolences on her loss.

Mrs G asked Prestige to give her information about its contact with Mr G, specifically contact between July and September 2023. Prestige said it had provided information about Mrs G to her, but it could only provide information about Mr G where it had confirmation that Mrs G was representing his estate – such as a grant of probate or letters of administration.

Mrs G said that Mr G had died without leaving a will. Because their jointly owned property had passed to her under survivorship, there was no need to apply for letters of administration. But she provided evidence that she had applied for letters of administration. She said that as Mr G's spouse and the joint borrower Prestige should provide what she asked for and by not doing so it wasn't treating her fairly.

Prestige didn't uphold her complaint, so Mrs G brought it to us. Our investigator didn't think it should be upheld either so Mrs G asked for it to be reviewed 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 disappoint Mrs G. I understand how upsetting and frustrating this situation is for her. There seems to be a dispute about the property with a third party concerning an agreement Mr G may or may not have entered into before he passed away. Mrs G has given us a copy of a loan agreement said to have been signed by Mr G in February 2025.

It's important to note that the mortgage and the property are separate things. Prestige has said that it holds no information relating to any dealings with the property. It only holds information about the mortgage.

Nevertheless, I understand why Mrs G wants to see all the information Prestige holds in case any of it is relevant to the dispute about the property. But I don't think Prestige has treated her unfairly.

Mrs G made a subject access request. Under data protection law, a person whose data is being held by an organisation has various rights, including the right to see what data is being held – this is a subject access request.

However, data protection law only applies to living persons, not to the deceased. Data protection law does not give a right to access to data being held about a deceased person.

That said, I would expect Prestige to provide information about a deceased person and their account to the deceased's estate. It's necessary information, especially where an account was still outstanding at the date of death, to enable the executors or administrators of the estate to establish the estate's assets and liabilities.

Mrs G says that Mr G died without a will. The property transferred automatically to her and he left no other assets. So there is no need for letters of administration when there is no estate to administer.

Prestige says it only releases confidential information about its customer to that customer – or to those authorised by law to act on behalf of the customer.

I don't agree with Mrs G that she is authorised because she was Mr G's spouse, or because their joint property is now her sole property. When someone passes away, the right to act on their behalf passes to their executors – or, if there is no will, to the person(s) appointed as administrator(s) by letters of administration. Without letters of administration, Mrs G does not in my understanding have any legal right to represent or act on behalf of Mr G's estate. And while she now owns the property, the property and the mortgage are not the same thing, and Mr G's part in the mortgage does not automatically pass to her on his death in the same way his share of the property does.

I think it's fair and reasonable that Prestige protects the confidentiality of its customers by only releasing their information to the customer themselves or to those authorised by law to represent them.

I understand that Mrs G has applied for letters of administration. Even though there are no assets in the estate, that will give her the legal right to act on behalf of Mr G's estate in dealing with Prestige and others. I'm sympathetic to her position that she feels she needs to see what information if any Prestige holds now, and there can be delays in letters of administration being issued. But while I'm sympathetic to the worry this causes her, I'm afraid I can't fairly require Prestige to release information about Mr G and his dealings with it until the letters of administration are granted.

Prestige says it doesn't have any additional material relating to the property beyond what it's already given Mrs G in response to her subject access request for her own data. I hope she'll be able to feel reassured by that. And once she does receive letters of administration, she'll be able to go back to Prestige and request copies of all data it holds about Mr G. But in the meantime I'm afraid I don't think I can fairly 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 Mrs G to accept or reject my decision before 20 November 2025.

Simon Pugh
Ombudsman