

The complaint

Mrs W complains that Nationwide Building Society breached her personal data protection by sending her ex-husband a text message about her sole account.

I sent the parties a provisional decision on 11 November 2025, in which I set out the following background information to the complaint and my provisional findings, as follows:

'What happened

Mrs W said she discovered a message had been sent to her ex-husband about a lack of funds in her account to cover a direct debit when he told her about it. He told her something of the content of the message but refused to take a screen shot of the message for her. He later told her it was permanently deleted.

Mrs W went to a branch of Nationwide and complained about the message going to her ex-husband. Nationwide asked Mrs W for a copy of the message but she was unable to provide this. Mrs W said Nationwide should be able to retrieve the message that was sent. Mrs W said that when she received a subsequent text, she visited the same branch and was told "we've taken your ex-husband off the system".

Nationwide said it couldn't evidence a text sent to Mrs W's ex-husband. Nationwide said its system shows on the day of the message a retry notification was sent to the number it holds for Mrs W, but not her ex-husband. It said it couldn't investigate further without a copy of the text. Nationwide told Mrs W that it was not saying she was being untruthful, but without the evidence it couldn't do any more as its systems only show a text sent to herself.

Mrs W was unhappy with Nationwide's response to her complaint and referred her complaint to our service. She said the retry text was obviously the one sent to her ex-husband. She said we should contact him on a phone number she provided.

Our investigator recommended the complaint be upheld and that Nationwide pay Mrs W £100 compensation. He said Nationwide's records show it sent Mrs W a text about her account and her ex-husband gave her some details of a text he said he had received.

The investigator said Nationwide's records don't show it texted her ex-husband as confirmed by the text alert records and Mrs W's mobile number is the only one it holds. However, despite there being no evidence he believed Mrs W's ex-husband received a text about her account as he knew part of her account number and that the account needed funding. He didn't think Mrs W would waste time complaining if her ex-husband hadn't received the text.

Nationwide requested an ombudsman review the complaint, saying the investigator had confirmed the evidence proves no text message was sent to Mrs W's ex-husband about her account. Nationwide said it couldn't understand how solid evidence of it not corresponding with Mrs W's ex-husband meant that it had to compensate her.

The investigator attempted to contact Mrs W's ex-husband for confirmation of Mrs W's version of events, but her ex-husband did not respond to our emails.

What I've decided – and why

I was sorry to learn of Mrs W's distress and humiliation at the prospect of her ex-husband receiving information about her sole account, and that she felt Nationwide had questioned her honesty on this matter.

My role is to examine all of the circumstances of the complaint to determine whether what took place was fair and reasonable and whether Nationwide followed the communication and data protection process correctly. And I think it did, I'll explain why.

Nationwide said to Mrs W that it is really sorry she is unhappy 'a text message was sent to your ex-husband regarding your account. However, I am afraid I cannot agree we have done anything wrong.' This doesn't amount to disbelieving Mrs W and shows some empathy for her situation. I agree with the investigator that it is very unlikely that Mrs W has made all of her complaint up and taken this to the branch, but I have to be guided by the available evidence.

The evidence from Nationwide's records shows the phone numbers held for Mrs W's account, and these would be what it uses when needing to contact Mrs W. The record only shows her numbers and holds the same mobile number for her since 2019. The record of text alerts Nationwide has sent about the account show they were only directed to Mrs W and did not include her ex-husband.

Unfortunately, Mrs W has no evidence of the text as she said her ex-husband wouldn't provide it to her, and Nationwide said it can't investigate further without this. Mrs W asked Nationwide to contact her ex-husband if it doubted that this happened. However, it is for the consumer to make their complaint not for the business complained of to prove that the complaint happened. Notwithstanding this, our investigator tried to contact Mrs W's ex-husband, but he did not respond to our emails.

I cannot ignore that Nationwide has stated about the text, 'that we categorically only sent this to Mrs W's telephone number'. And that this statement is supported by our careful examination of Nationwide's records. This means I have no evidence on which to find that Nationwide has made a mistake in its communications about Mrs W's account or breached her data protection in any way. It follows that it would be unfair for me to uphold this complaint against Nationwide. However, if Mrs W obtains any evidence to the contrary she should send it to our service in response to this provisional decision or subsequently to Nationwide.

Mrs W said she didn't want any compensation – only reassurance that this wouldn't happen again. Nationwide has said this cannot happen in future as it does not have any details of Mrs W's ex-husband linked to the account profile of her sole account. I hope this offers Mrs W some reassurance.'

My provisional decision and the parties' responses

I provisionally decided that the complaint would not be upheld.

Nationwide had nothing further to add to the provisional decision. Mrs W disagreed with the provisional decision. She said she was shown the text by her ex-husband and could see why he wouldn't help by giving her a copy. Mrs W said that she was told by a member of

Nationwide's staff that her ex-husband had been removed from the system. She found it really hard to believe that Nationwide couldn't recover the message and suggested it had purposely deleted the proof of the text.

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 have reconsidered Mrs W's complaint in the light of my findings and Mrs W's response to my provisional decision. Having done so I see no reason to change my provisional outcome. I sympathise with Mrs W for the distress she felt concerning a text to her ex-husband. She said with modern technology Nationwide should be able to identify the text.

I agree that in normal circumstances a record of the message would be available on a bank's system. However, Nationwide deny sending her ex-husband a text and there is no evidence that it did so from its records. Unfortunately, neither Mrs W or our service has any evidence of the text as her ex-husband would not provide it.

Nationwide said it '*categorically only sent this to Mrs W's telephone number*', and that it cannot investigate further without some evidence. And so there is nothing further that can be determined about Mrs W's complaint in these circumstances.

The comment Mrs W reported from a member of Nationwide's staff is unrecorded in its records and is capable of more than one interpretation in terms of timing.

In the absence of any evidence that Nationwide has made a mistake in its communications about Mrs W's account or breached her data protection in any way, I am unable to uphold her complaint against Nationwide.

When bringing her complaint, Mrs W said she only wanted reassurance that this wouldn't happen again. Nationwide has assured her on this point as it does not have any details of Mrs W's ex-husband linked to the profile of her sole account.

My final decision

For the reasons given above it is my final decision that the complaint is not upheld.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs W to accept or reject my decision before 24 December 2025.

Andrew Fraser

Ombudsman