

The complaint

The estate of Mrs H senior complains that Bank of Scotland plc trading as Halifax have incorrectly released information about the late Mrs H senior. The late Mrs H senior's daughter (Mrs H) is representing the estate, so I will refer to her within my decision.

What happened

Mrs H's mother held accounts with Halifax when she passed away in 2021. In May 2022, Mrs H's sister notified Halifax, and it accepted a copy of the death certificate and photo identification to update her as next of kin on the account.

Halifax provided bank statements dated over 10 years when requested by Mrs H's sister. The accounts were frozen in June 2022 when a caveat was raised, and a grant of probate was required.

The grant of probate was received in October 2024 naming Mrs H as the sole executor and the accounts were closed in November 2024. The account closure statements were sent to Mrs H's sister in error.

Mrs H raised a complaint as she felt this had breached her late mother's data, in addition to being unhappy with the service she had received.

Halifax provided a final response to the complaint, upholding the error of sending the closing statements to the wrong address and provided a cheque for £200.

Halifax didn't uphold the remainder of the complaint; it said the correct process was followed for adding Mrs H's sister as next of kin. It also confirmed that UK GDPR only applies to information which relates to an identifiable living individual.

Remaining unhappy with this response, Mrs H referred the complaint to our service, and an investigator reviewed the case. The investigator agreed with the outcome provided by Halifax, having reviewed their internal policy on registering a bereavement.

The investigator also explained the definition of a complainant in accordance with the Dispute Resolution Handbook (DISP) and how Mrs H is a representative of the estate of Mrs H senior.

Mrs H was unhappy with this outcome and asked for an ombudsman to decide things.

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'd like to begin by expressing my condolences to Mrs H. I appreciate the depth of feeling behind this complaint and I'd like to confirm that I've read everything carefully before reaching my decision. I know this will come as a disappointment to Mrs H, but I'm not upholding the complaint.

I've reviewed the internal process Halifax has provided for registering a bereavement and I'm satisfied it has applied this fairly. A copy of the death certificate and photo identification were provided to register Mrs H's sister as a next of kin on the account. The account balance was below the limit for a Grant of Probate (GOP) to be required by Halifax.

Mrs H has claimed that an active caveat was in place, however, this was only raised to Halifax in June 2022, one month after the statements had been provided to Mrs H's sister. I don't think I can fairly hold Halifax responsible for action taken before it was aware of a dispute.

I acknowledge Mrs H's concerns about the service received, specifically around phone calls and communication between herself and Halifax and issues around the requests for a Data Subject Access Request (dSAR).

I need to distinguish between the estate of Mrs H senior and the representatives of the estate dealing with the complaint. This is important because the representative – Mrs H, has said she's unhappy with the service received.

Whilst I sympathise with Mrs H, as a representative of the estate of Mrs H Senior, an estate can't suffer pain or distress. It could suffer financial loss, but I don't think that's happened because of the circumstances of this complaint.

Mrs H complained about how Halifax has handled a request and the service received around this, and I can't fairly make a distress, inconvenience or cost award to third parties. This includes executors or representatives of an estate.

Halifax acknowledged the error made in sending the closing statements to Mrs H's sister instead of herself after GOP was provided and sent Mrs H a £200 cheque for this.

Whilst I don't doubt this error had an impact on Mrs H, I can't consider this impact as explained above.

Whilst GDPR likely isn't applicable to anyone's data posthumously, I would expect a business to ensure that it is still protecting consumer data. I am satisfied that Halifax shared this data with a registered next of kin after their internal bereavement process had been followed.

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 the estate of Mrs H

to accept or reject my decision before 19 March 2026.

Hannah Edmondson
Ombudsman