

complaint

Mr S has a hire agreement with Volkswagen Financial Services (UK) Limited (trading as Skoda Finance). He received a settlement letter from a branch of Skoda and complains Skoda Finance breached the Data Protection Act (DPA) because Skoda Finance is a different company. He wants one year's full warranty and his car serviced for a year as compensation.

background

The adjudicator did not uphold the complaint. He said this service cannot issue a ruling on whether there has been a breach of the DPA. But, we can look at what happened and whether a business needs to do something to put it right. The Skoda branch sent a settlement letter by accident. It reviewed his agreement to see if he was near the end of it and at this stage it would usually send a letter to see if he wanted to swop his car for a newer one. But by mistake a settlement letter was sent. This information did not leave a mark on his credit file. He didn't think sending this letter to Mr S caused him distress so as to warrant compensation.

Mr S was unhappy with this and maintains the branch of Skoda and Skoda Finance are different companies so there is a breach of the DPA. He still thinks he should get compensation.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

This service cannot look at whether there has been a breach of the DPA. Both Skoda Finance and the branch of Skoda have said they are not separate companies, but this is not an issue this service can decide.

I agree with the adjudicator, that it is not fair and reasonable to award any compensation for hurt feelings in this case. The branch of Skoda mistakenly sent a settlement letter, which did not leave any mark on his credit file. It is not reasonable to require Skoda Finance to provide any compensation, as I do not consider this error has caused any distress or inconvenience.

my final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 9 November 2015.

Clare Hockney
ombudsman