

## **complaint**

Mr K complains that Santander UK Plc did not provide him with recordings of phone calls.

## **background**

Mr K made a payment from his account to a third party. He says he later realised that he had been defrauded, and asked Santander to provide him with recordings of phone calls made in relation to the payment. He explains that these were needed in connection with enquiries being made into the fraud.

Mr K says that Santander later told him it could not provide these, as recordings had only been kept for six months. That was not acceptable to Mr K, as he said he had asked for the recordings before the six months limit had been reached.

Santander paid Mr K £140, but was not willing to do more. As things were not settled, Mr K brought his complaint to this service where an adjudicator investigated it. From the evidence, the adjudicator felt that Santander had given Mr K a fair settlement in the circumstances and so did not recommend that it should pay more.

Mr K did not agree and said, in summary:

- He phoned Santander many times about these recordings and feels he was deliberately misled and perhaps lied to.
- He was not told that he had to request the recordings in writing, when he first enquired. It was only later he was told that.
- Santander told him his data subject access request had not been received, and said his £10 cheque had not been cashed. But it has not explained how, if the request was not received, it knew the request had included a cheque for £10.
- Santander only found his second request when he provided information about who had signed for it.
- He has suffered a major fraud and, instead of helping him, Santander obstructed him. The reason Santander cannot produce the recordings is because it wasted months not dealing with his request.
- This was deliberate obstruction and hampered his chances of recovering his money. He believes that Santander never had any intention of sending him the recordings.
- The £140 that Santander has paid him does not make up for the £7,700 he has lost. The call recordings were the key to his last chance of getting his money back.

## **my findings**

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

I can appreciate why Mr K was anxious to follow up any possibility of recovering the money he had paid out for what he believed at the time to be a genuine purchase transaction. He asked for recordings of the phone calls about the payment, believing that could help.

However, from what Mr K has told us, I cannot see that call recordings would have been of any material help to Mr K in recovering his money. The initial call was between Santander and Mr K, in which Mr K agrees that he authorised the payment. By the time Mr K realised what had happened, and there were further calls, the money had already gone into the recipient account at another bank.

Once that had happened, it was the recipient bank – not Santander – that controlled what happened to any money remaining in the recipient account. Call recordings from Santander would not alter that fact.

It is clear that Santander's administration around Mr K's request for call recordings did not cast it in a good light. It has accepted that, and paid Mr K £140 in recognition of poor service. But I'm not persuaded that this also lost Mr K his last chance of recovering his money, as he has suggested. I have also seen nothing to lead me to conclude that Santander deliberately suppressed Mr K's request for the recordings.

I find that Santander has already made a fair settlement in this matter.

### **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 K to accept or reject my decision before 11 April 2016.

Jane Hingston  
**ombudsman**