

complaint

Mrs A complains that Mercedes-Benz Financial Services UK Limited, trading as Mercedes-Benz Finance, has breached data protection rules in relation to her hire purchase agreement.

background

A new car was supplied to Mrs A under a hire purchase agreement with Mercedes-Benz Finance that she signed in March 2016. She made an early settlement payment of £16,691.37 in March 2019 to end her agreement. Mercedes-Benz Finance sent her an e-mail confirming receipt of the card payment but due to a system error the car registration number and model for another customer were shown on the receipt.

Mrs A complained to Mercedes-Benz Finance that there had been a data protection breach. It said that it had reviewed Mrs A's account and the other customer's account and no personal data has been revealed or put at risk regarding either party. Mrs A wasn't satisfied with its response so complained to this service.

The adjudicator didn't recommend that this complaint should be upheld. He said that the only information that was disclosed was with respect to the model and registration number of the car. He said that Mercedes-Benz Finance had tried to make amends by apologising and explaining that no other information was disclosed and that, apart from a clerical error due to its system, it hadn't acted unfairly.

Mrs A has asked for her complaint to be considered by an ombudsman. She says, in summary, that she suffers from medical issues which were exacerbated by the data protection breach so she had to take time off work and that her husband also had to take time off work to look after her - so she should receive compensation for that.

my findings

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

Mercedes-Benz Finance accepts that after Mrs A settled her agreement it sent her a confirmation e-mail which stated another customer's car registration number and model with her agreement number. It says that a system error caused its system to generate the incorrect information but both accounts had been reviewed and no confidential information had been shared with either party. It says that the registration number and model of the car isn't sensitive data so the other party's data hasn't been put at risk and that it had checked the other customer's account and none of Mrs A's data had been shared with it.

Mrs A has described her circumstances – including her medical issues – and the effect that she says that the incorrect information has had on her and her husband. I sympathise with Mrs A for her medical issues and the difficulties that she says she's been caused.

It's clear that Mercedes-Benz Finance included another customer's car registration number and model on the e-mail that was sent to Mrs A. Although it shouldn't have done that, it's explained that it was the result of a system error, that Mrs A's data wasn't shared with the other customer and that no sensitive data has been shared.

I'm not persuaded that an award of compensation is justified in these circumstances. So I find that it wouldn't be fair or reasonable for me to require Mercedes-Benz Finance to take any action in response to Mrs A's complaint.

my final decision

For these reasons, my decision is that I don't uphold Mrs A's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs A to accept or reject my decision before 20 April 2020.

Jarrold Hastings
ombudsman