

complaint

Miss M complains that Vanquis Bank Limited breached her confidentiality when it contacted her relatives and asked to speak to her.

background

It isn't in dispute that, in the course of its collections activity, Vanquis contacted Miss M's relatives using telephone numbers that she hadn't ever provided as contact numbers or authorised it to use to call her.

Vanquis says that it attempted contact when Miss M failed to make an agreed payment. And in the absence of any contact from Miss M, Vanquis tried to reach her using numbers it held in its records. Vanquis said it had added Miss M's relatives' phone numbers to its records after those numbers had been used to access Miss M's accounts remotely.

Our adjudicator felt that Vanquis had breached its duty of confidentiality to Miss M by talking to her relatives and that it should apologise for the poor level of customer service provided. And given her particular circumstances it should pay Miss M £500 for trouble and upset.

Vanquis disagrees. It says it didn't disclose its relationship with Miss M during the calls and it needed to ask further questions to establish whether she was genuinely unavailable – not just avoiding discussing the account with the bank.

And Vanquis said it was up to Miss M to alert it to any health issues she had which made her a more vulnerable customer if she wished her account to be treated with this in consideration.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

I consider Vanquis was entitled to attempt to contact Miss M when she incurred arrears on her account. And I've taken into account that the bank did try unsuccessfully to contact her using the numbers held on its records. And that her relatives' numbers were added to its records only after they had been used on two occasions to access telephone banking services – when Miss M's required security information had been entered.

But I've listened carefully to the call recordings and I agree with our adjudicator. I accept that whilst Vanquis did not specifically say that Miss M owed the bank money, the tone and content of those calls was indicative of a financial relationship between Vanquis Bank and Miss M. I don't consider for instance that it was likely the calls might have been considered to be unsolicited sales or marketing calls. So I think Miss M is fairly and reasonably concerned that her relatives might have inferred from the calls they took from Vanquis that she was a customer of the bank. And this amounted to a breach of confidentiality on the part of Vanquis Bank.

So what's left for me to decide is what Vanquis should do to put things right.

I don't know whether Miss M had communicated her circumstances to Vanquis Bank in such a way that the bank should have understood the significance of her position. But I have no

doubt that her particular situation meant that the bank's actions caused her to be especially concerned about what had happened.

It's not our job to punish banks by imposing fines. The Financial Ombudsman Service awards fair compensation payments based on the individual circumstances of each complaint.

Vanquis has already confirmed that it has removed Miss M's relatives' phone numbers from its records. So, overall, I consider that £500 is fair and reasonable redress in line with our usual approach.

my final decision

My decision is that I uphold this complaint and I order Vanquis Bank Limited to pay Miss M £500 and send her a written apology for the distress and worry it caused her to suffer.

Under the rules of the Financial Ombudsman Service, I am required to ask Miss M to accept or reject my decision before 28 May 2015.

Susan Webb
ombudsman