

complaint

Mr P has complained that Santander UK Plc is holding his personal data against his wishes.

background

Mr P received a new debit card from Santander, despite no longer banking with it. It was this that alerted him to the fact that it was holding some of his personal data. Despite him requesting that this be removed, Santander has refused to do so. This is because it says it needs the information in case Mr P raises a future concern about investments he made with it.

Our adjudicator didn't recommend that the complaint should be upheld, and recommended that Mr P may wish to raise the matter with the Information Commissioner's Office.

As Mr P disagreed, his complaint's been passed to me for my final decision.

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 accept that Santander is holding data which concerns Mr P. Although it shouldn't hold information for longer than is necessary – under the Data Protection Act – it's explained why it feels it's proportionate or it to do so here. This is because it would need this information if Mr P made a future complaint about the investments. This doesn't strike me as being inherently unfair.

However, as Mr P is concerned about this explanation – and feels it is unfair and contrary to the Data Protection Act – I agree that the Information Commissioner's Office is best placed to look into this for him. This is because it specifically considers alleged breaches of this legislation.

my final decision

For the reasons given above, it's my final decision not to uphold this complaint. I make no award against Santander UK Plc.

Under the rules of the Financial Ombudsman Service, I'm required to Mr P to accept or reject my decision before 8 April 2016

Elsbeth Wood
ombudsman