

## **complaint**

Mr N complains that Halifax Share Dealing Limited (HSDL) put a 'deceased' marker on his account. It then wrote to a third party with information about his holdings. Mr N says this caused him stress and anxiety and he wants to be compensated for this.

## **background**

In March 2015 HSDL incorrectly put a 'deceased' marker on Mr N's account. Mr N tried to log onto his account and noticed his account was restricted. He phoned HSDL about the problem. It looked into the matter and called Mr N back. It said a 'deceased' marker had been put in his account in error and would be removed.

It apologised for its mistake and said it would pay Mr N £25 to compensate him for the inconvenience it had caused him. HSDL mentioned during this call that the third party it had recorded as Mr N's personal representative might receive an automated letter from it about the account. However HSDL did not explain to Mr N that if a letter was sent to the third party it would include information about the value of his account.

When Mr N found out that HSDL had written to the third party with details of the value of his account, he complained. He also complained that when HSDL confirmed his change of address it also sent a copy of this letter to the third party.

HSDL offered to pay Mr N £100.00 for the trouble and upset this matter had caused. Mr N did not accept its offer. HSDL then increased its offer to £150. Mr N also rejected this offer. He said he did not feel it was enough to compensate him for the stress and anxiety he had suffered. He referred his complaint to this service.

HSDL also sent a dividend payment to Mr N by cheque. This payment should have been credited to his account. This matter was treated as a separate complaint. Mr N accepted £50 from HSDL in full and final settlement of this issue.

Our adjudicator said she felt the £150 HSDL had offered to pay Mr N, in addition to the £75 it had already paid him, was fair and reasonable. She said that HSDL had told Mr N there was a possibility that automated letters might be sent to the third party.

She also said that HSDL had to follow its change of address process in order to update its records. This had generated an automatic letter to the third party and HSDL hadn't been able to stop this letter from being sent.

With regard to the dividend payment, the adjudicator noted this had been dealt with as a separate complaint. She explained that as Mr N had accepted £50 compensation in full and final settlement, she could not consider this issue.

Mr N did not accept the adjudicator's view. He said he did not feel the compensation HSDL had offered was sufficient. He reiterated that HSDL had not told him that a valuation letter would be sent to the third party.

He also said HSDL had told him he would not have any more problems with his share dealing account when it removed the restriction it had put on the account. He said this was not the case as it had sent information about his holdings to the third party. Mr N also queried why HSDL had not contacted the third party about its error.

The adjudicator reviewed the points Mr N had made, but said her view remained the same. She said that although HSDL didn't tell Mr N that a valuation would be sent to the third party, he was told a letter might be sent. The adjudicator said she felt it was reasonable for Mr N to have assumed that the letter would include information about the value of his account.

She noted that HSDL had told Mr N that he would not have any further problems with his account. But she felt its offer to pay him £150 for the problems he later experienced was fair and reasonable.

Mr N did not accept the adjudicator's view and asked for his complaint to be determined by an ombudsman.

### **my findings**

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

It is not in dispute that HSDL put a 'deceased' marker on Mr N's account in error. Nor is it in dispute that an automated letter was sent to a third party. This letter contained information about the value of Mr N's account.

Mr N has said this matter caused him a great deal of stress and anxiety. I have considerable sympathy for Mr N's position. I agree it is very unsatisfactory that details of his share dealing account were sent to the third party by HSDL.

I have listened to the phone call Mr N had with HSDL when it said the third party might receive a letter from it. I agree that it was not made clear that the letter would contain information about the value of Mr N's holdings. I also agree with Mr N's view that HSDL should have explained this clearly to him.

I have carefully considered whether the £150 HSDL has offered to pay Mr N, in addition to the £75 it had already paid him, is in line with awards this service has made in complaints with similar characteristics. Having done so, although I am sympathetic to Mr N's position, I don't agree that HSDL should pay Mr N more than it had already offered to pay.

In reaching this view I have taken into account the comments that Mr N has made about the distress he has suffered. I have also taken into account that Mr N has said he did not suffer any financial loss as a result of the information HSDL sent to the third party.

I can see Mr N has found the disclosure of his account information upsetting, but I can't reasonably say that HSDL should pay him more to compensate him for its error.

### **my final decision**

Under the rules of the Financial Ombudsman Service, I am required to ask Mr N to accept or reject my decision before 13 November 2015.

Having carefully considered this matter I am satisfied that the offer Halifax Share Dealing Limited has made to pay Mr N a further £150 is fair and reasonable. I simply leave it to Mr N to decide if he now wishes to accept this offer.

Suzannah Stuart  
**ombudsman**