

## **complaint**

Mrs H complains, with the help of her son, Mr H, that The Prudential Assurance Company Limited hasn't traced her whole of life policy.

## **background**

Mrs H said she and her husband each took out a whole of life policy around 1960. The premiums were collected at the door until all records were computerised. Mrs H has stated that she has no documentation relating to the policy nor does she have evidence confirming premiums were paid.

She has stated that when her late husband passed away in 2009, she was able to make a claim against his policy to meet the funeral costs. She has queried the existence of her own policy with Prudential but it has been unable to trace it.

Prudential said it had made multiple checks on its records to try and trace the policy but has been unable to do so. It said it is unable to say what has happened to the policy but that it may have been cancelled or lapsed. It said if the policy had still been in force it would've been able to locate it – it said it has policies for customers going back to the 1950's which are still active and which it has details of.

Prudential also said it is obligated to retain information for a period of six years and pointed out that in this case the policy was taken out more than 57 years ago.

Mrs H referred her complaint to us and one of our adjudicators considered it but didn't uphold it. She said that because of the time elapsed since the policy was taken out she couldn't tell Prudential it had to locate the policy and it wasn't unreasonable for it to retain records only for a specific period of time.

Mrs H didn't agree with the adjudicator. She said she thought Prudential had been poor in keeping proper historical policy data and keeping information for only six years isn't acceptable as this was a life policy taken out to cover funeral costs. And when it computerised the records it was poor practice to take the policy documents without providing any record. She said either Prudential either had poor record keeping or had failed to carry out a search of their historical archives.

As Mrs H didn't agree with the adjudicator the matter has been referred to me for review.

## **my findings**

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

Mrs H's frustration is understandable as she recalls taking out the policy at the same time as her late husband and paying the premiums. But she has no record of the policy or the payments she had made into it.

Prudential has explained that it has searched its computerised records and can find no record of the policy, although it has found another, unrelated, policy. It has also said it has searched records it holds on magnetic tape - as some older records are stored this way - but again has found no record of the policy.

I note Mrs H has suggested that Prudential has paper records as well but the purpose of moving records onto computer in the first place will have been, at least in part, to avoid the need to keep paper records. So I don't think there are any other records Prudential can reasonably search to try and find Mrs H's policy.

I also note Mrs H has criticised Prudential for not keeping historical records. But it is quite normal, and has been a requirement for many years under data protection obligations, only to keep records for as long as necessary. I acknowledge Mrs H's point that this was life policy and her expectation that records would be kept longer. But whilst this might be expected if the policy was still in existence, or had only come to an end in recent years, I can see no reason Prudential would have records for a policy that ended some time ago.

I accept there isn't any evidence of what happened to the policy or when but Prudential has said it would still have records if the policy was still in force. I accept Mrs H may well not accept the policy no longer exists but I have to base my decision on a balance of probabilities – what is more likely than not based on the evidence I have been provided with.

Given there is no evidence at all about the policy I'm unable to say, on balance, that the policy still exists or that Prudential has done anything wrong in relation to the policy. I'm also satisfied it has taken reasonable steps to try and locate the policy and I don't think it has to do anything else - as it has searched its available records I don't think there is actually anything else it is able to do.

#### **my final decision**

For the reasons I have explained above I don't uphold this complaint and I make no award or give any direction.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H to accept or reject my decision before 18 July 2018.

Philip Gibbons  
**ombudsman**