

complaint

Mr D complains that a member of staff at Shawbrook Bank Limited took home his personal information and misplaced it.

background

Mr D says he received a letter from Shawbrook stating that his personal information was misplaced by a member of staff who had taken home information such as names, addresses and bank details, for over 80 customers. He says this is not acceptable and has caused him worry and stress.

Shawbrook say the data was misplaced but returned to them within 48 hours. It was reassured by the person who returned the document that no copies had been taken or shared. It says the details were limited to name, Shawbrook loan account number and complaint details.

Shawbrook says it notified the Information Commissioner's Office and the customers affected, offering to pay any costs associated with credit reference agency checks and fraud protection. It also says it took action with regard to the member of staff and put procedures in place to avoid the problem being repeated in the future.

In response to a complaint from Mr D, Shawbrook wrote to him upholding his complaint and offering him a goodwill gesture of £50. It also repeated its offer to pay for any costs for services relating to checking and placing a protective registration on his credit file.

Mr D didn't accept Shawbrook's apology and goodwill offer and brought his complaint to our service.

Our investigator thought that Shawbrook didn't need to do anything further. Mr D didn't agree and asked for an ombudsman to make a decision.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this case. I have decided not to uphold Mr D's complaint.

First, I must explain that it's not the role of this service to decide if Shawbrook has breached data protection laws by misplacing Mr D's information and whether it's acted in accordance with its applicable data privacy policies. I understand that Mr D has complained to the Information Commissioner's Office regarding the actual breach itself and they will be able to advise him further regarding this. I can only determine what a fair and reasonable outcome to this complaint should be, looking at the impact this has had on Mr D.

Shawbrook has told us that the information misplaced was limited to Mr D's name, his loan account number and complaint details. Meaning it was company-specific data and thankfully the breach appears to have been relatively limited. Shawbrook also say the document in question was returned to it within 48 hours with reassurances that it had not been shared.

Whilst I appreciate the incident would certainly have caused Mr D worry, I don't believe he has suffered any financial loss as a direct result of his data being misplaced. I say this because there's no suggestion that his data has been stolen or used in a detrimental way. And I can see no evidence of him becoming a victim of fraudulent activity as a result of the

bank's actions. So I am satisfied there is no evidence that Mr D has suffered any financial loss resulting from this incident.

As I have already detailed, Shawbrook wrote to Mr D explaining it believed the likelihood of fraudulent activity resulting from the incident was extremely low. It suggested Mr D may wish to consider both checking and protecting his credit file and confirmed it would meet any associated costs.

I think this offer of financial support to ensure protection of Mr D's credit file is fair and I also think Shawbrook has kept him updated of the situation. For these reasons I am satisfied that Shawbrook took enough action to reduce the risk of potential fraudulent activity.

I have no reason to doubt that Mr D has had to spend time changing personal details as he has informed us. But I believe the goodwill offer of £50 Shawbrook paid to him and its undertaking to meet reasonable mitigation costs relating to checking and placing a protective registration on his credit file, is fair and reasonable. This is because there is no evidence that he has suffered any fraudulent activity or resulting financial loss as a result of the incident.

my final decision

I believe that Shawbrook Bank Limited has done enough to rectify the breach and minimise any impact. I am aware that it has apologised to Mr D and made an offer to pay £50. It has also offered to pay costs associated with credit reference agency checks and fraud protection.

I conclude that such an offer is fair and reasonable in all the circumstances. I understand that this payment has already been made but if not, Shawbrook Bank Limited should now go ahead and pay Mr D.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 26 May 2019

Greg Callander
ombudsman