

## **complaint**

Mr R complains Barclays Bank PLC has refused to remove his information following a request under Section 10 of the Data Protection Act. He also complains his details have been passed on to a third party debt collector but he had settled the debt.

## **background**

Mr R had read that Barclays had lost data for some of its customers. Mr R suffers from depression and anxiety. He says this loss of data has caused him great concern and worry. Barclays has confirmed Mr R is not one of those customers whose data was lost.

The adjudicator did not recommend the complaint should be upheld. In his view:

- as Mr R held an account with Barclays, it was entitled to register accurate information on his credit file;
- Barclays could have given Mr R a better explanation regarding the data that had been lost but the £100 compensation it had already paid was sufficient; and
- he didn't agree Mr R had settled the debt.

Mr R, through his representative, disagrees. In summary, he says the adjudicator hasn't taken into account Mr R's anxiety and depression. He also says Mr R sent Barclays a cheque for £23 in full and final settlement of his debt. And as Barclays cashed the cheque the debt should be settled. It is therefore wrong for Barclays to pass his details on to a third party debt collector or to refuse to remove his details from its files.

## **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 am sorry to hear Mr R has been suffering from anxiety and depression.

I can understand that the loss of other customers' data might cause Mr R distress but I need to make a decision which is fair and reasonable in all the circumstances. In this case I consider that it is fair for Barclays to retain data about Mr R so that it can comply with its responsibilities and that includes providing accurate information to credit reference agencies.

Mr R has complained that he is being pursued for a debt which he has settled. He says he sent a cheque for £23 to settle the debt in full and final settlement of the debt. Mr R says a court would decide the debt had been settled. I am required to come to a decision which is fair and reasonable in all the circumstances. In considering what is fair and reasonable I take into account a number of things including the law. This doesn't mean I will necessarily come to the same decision as a court might with the same evidence. Mr R is not bound to accept my decision. If he does not, he will be free to pursue the matter against the bank by other means, including in court, if he wishes. I don't consider it would be fair or reasonable for me to conclude that by cashing the cheque for £23 Barclays agreed the debt was settled.

**my final decision**

My decision is that I do not uphold this complaint.

Nicola Wood  
**ombudsman**