

## **complaint**

Mr G complains that Black Horse Limited breached the Data Protection Act 1998 when it sent his data to another financial institution. He says this put him and his family at risk and asks for compensation to pay for upgrading his home security and his legal costs in pursuing the complaint.

## **background**

Mr G made a complaint to Black Horse about the sale of payment protection insurance (PPI) in relation to a loan. Black Horse forwarded information relating to the complaint to the dealer responsible for the sale of the PPI. The Information Commissioner's Office (ICO) said this was a breach of the Data Protection Act. Mr G says because of a former occupation he and his family are at risk and now need to upgrade their home security.

The adjudicator did not recommend that the complaint should be upheld, saying:

- The terms and conditions of Mr G's account allowed Black Horse to forward the data.
- The dealer is also a data controller under the Data Protection Act, so has a responsibility to keep the information confidential.
- Black Horse's offer of £300 compensation was fair and reasonable.

Mr G did not agree. He said ICO had already determined there had been a breach of the Data Protection Act, so the question is the amount of compensation that is appropriate.

## **my findings**

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

ICO said there was a breach of the Data Protection Act here and Lloyds offered compensation for Mr G's distress and inconvenience. In deciding what compensation is fair and reasonable, I have taken into account:

- The terms and conditions of Mr G's loan account allow Black Horse to pass on information to the dealer. So Mr G was made aware that Black Horse might pass his information to the dealer.
- As the dealer sold the PPI to Mr G, I consider it likely it already held information about him. The dealer is subject to the Data Protection Act.
- Mr G has not said the dealer has put him at risk by breaching the Data Protection Act or that he has any reason to believe it will do so.
- As customers can bring their complaints to this service for free, I would not usually award compensation for legal fees and costs.

While I appreciate Mr G's concerns, I am not persuaded it would be fair and reasonable to award compensation for legal costs or to pay for an upgrade of Mr G's home security. I find that £300 compensation is fair and reasonable in the circumstances.

**my final decision**

My decision is that Black Horse Limited should pay £300 to Mr G.

Ruth Stevenson  
**ombudsman**