

## **complaint**

Mr H complains that Hastings Insurance Services Limited, a broker, sent personal information about his motor insurance policy to his work mobile phone.

## **background**

In May 2018, Mr H used a price comparison website and took out a motor insurance policy and related credit agreement. Hastings administers the policy. He says that he opted out of marketing and contact by phone, text and letter; he only wanted contact by e-mail.

In June 2018, there was an issue in relation to Mr H's direct debit and Hastings sent him an e-mail, letter and text message about that. Mr H complained that Hastings sent a text to his work mobile phone. He says that the message appeared on his phone and his colleagues saw it. Mr H wants compensation.

Hastings said that Mr H had opted out of marketing messages but the text it sent was about his policy, not marketing. It said although Mr H had requested contact by e-mail, it would sometimes use other methods to reach him. It removed his work mobile phone number from his policy records. Hastings paid Mr H compensation of £30 in relation to incorrect information it had given him.

Our investigator didn't think that Hastings had treated Mr H unfairly in sending him a text message about his policy to the phone number he'd given. He said Hastings said that its customers can't specifically ask not to be contacted by phone unless they choose not to provide a phone number.

Mr H didn't agree with the investigator. He said it wasn't clear that he was only opting out of marketing messages. Mr H said Hastings staff had confirmed that he shouldn't have been contacted by text. He says that he withdrew his permission in relation to his personal data and unsubscribed but he still received contact he didn't want.

Mr H has complained separately about further text messages, a letter to the named driver and cancellation of his policy.

## **my findings**

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

Our role isn't to decide if Hastings has breached data protection laws. Mr H can contact the Information Commissioners Office (ICO) if he's concerned about the way Hastings handled his personal information. The link to their website is <https://ico.org.uk/make-a-complaint>.

It's common ground that when Mr H took out the policy he opted out of marketing from Hastings. That doesn't mean that Hastings wouldn't contact him at all.

We asked Hastings to show us what Mr H would have seen before he purchased the policy. Hastings asked Mr H what methods it could use to contact him about marketing: e-mail, text, post, phone. It also said:

*“Please note – if you have a quote or policy with us we may still contact you using these channels to give your service messages...”*

So, Mr H couldn't opt out of all contact from Hastings. He could change his preferences for how Hastings contacted him. Hastings doesn't keep an audit trail of customer's preferences. I've seen nothing to suggest that Mr H told Hastings not to contact him about his policy on the phone number he'd provided.

I don't think Hastings was wrong to contact Mr H by text about problems with the direct debit. It's important that Hastings contact Mr H about something that may lead to the cancellation of his policy. In any event, I don't think that Hastings is responsible for others seeing the text on Mr H's work phone.

### **my final decision**

For the reasons I've explained, my final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 8 March 2019.

Louise Povey  
**ombudsman**