

## **complaint**

Mr M complains that Swinton Group Ltd continued to send him marketing information after he repeatedly opted out. He seeks an apology and compensation for his expenses and inconvenience.

## **background**

Mr M obtained a quote for motor insurance from Swinton in 2012 but did not accept it. He then requested that his personal information was not used for marketing purposes. A year later he received a letter from Swinton with a quote for motor insurance. Upon enquiry, he was told that his information had not been removed from Swinton's database but this was then done. Mr M then updated his address details and obtained another quote from Swinton, which he declined, and again requested that his information was not used for marketing purposes. He later received a letter from Swinton with another motor insurance quote. When he complained, Swinton said that it had no record of Mr M previously requesting that his information was not used for marketing purposes and it then removed his information from its database.

The adjudicator recommended that the complaint should be upheld. She thought that although she saw that Mr M had only received two marketing letters from Swinton, extra care should have been taken as he had twice requested to opt out. She recommended that Swinton pay Mr M £50 for his inconvenience.

Swinton responded that Mr M had changed his address and its system did not link the two 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 can see that Mr M feels irritated that Swinton has not complied with his repeated requests to opt out of its marketing. It has taken him some time and trouble to pursue this and he feels that Swinton's systems should be able to make links so that his request could have been complied with. He feels strongly that his rights have been dismissed by Swinton and I understand that he is raising his concerns about data protection with the Information Commissioner.

Swinton says that there is no evidence that Mr M requested to opt out of its marketing in branch. I find that I am not persuaded by this as Mr M is not responsible for its systems and he has shown one instance of documentation received in branch where he made record of this request. I find that I have no reason to doubt that Mr M did request to opt out of marketing when he was in Swinton's branch and that this was twice not actioned, once for each address.

Swinton says that it cannot be held accountable for its repeated marketing as Mr M obtained a further quote for a different address and therefore its records would not link. I find that Swinton's choice of systems is its commercial decision and I would not normally interfere in that. However, I note that all other details on the two case files (Mr M's name, date of birth, car registration, renewal date) are identical and it would be reasonable to assume that there was enough similarity to link the files.

I find that had Swinton failed to act on Mr M's request once, this may have been seen as an oversight. But Mr M went into the branch to request his information to be removed from the system again. Although this was done, he took out another quote for a different address and requested again that his information was not used for marketing purposes. Because Mr M had already told Swinton that this had not been done previously, I find that it should have taken extra care and made sure it was marked as opt out on the new policy.

As Mr M has had to request again for his information to be removed, I find that Swinton should reasonably compensate him for his trouble and inconvenience.

**my final decision**

For the reasons above, it is my final decision that I uphold this complaint and I require Swinton Group Ltd to pay Mr M £50 compensation for his trouble and inconvenience.

Phillip Berechree  
**ombudsman**