

Complaint

Mr K complains Santander UK Plc ("Santander") has failed to protect his personal information and breached confidentiality when there was an unauthorised activity on his account. He's also unhappy about the service he received following the incident.

background

On 22 and 23 November 2017 Santander received calls ordering a new security number and card for Mr K's account. The caller passed security on all calls providing the correct date of birth, details of payments on the account and, on one occasion, the address registered for the account. Mr K told Santander the caller wasn't him when he contacted them on 24 November 2017 with issues about online banking. He complained about the caller having unauthorised access to his account. The account was blocked and referred to the fraud department for investigation. On 1 December 2017 the fraud department removed the block and replaced it with a victim of fraud marker allowing Mr K to access his account. On 9 December 2017 Mr K asked Santander to reinstate the block.

Santander's initial response to the complaint said they'd arranged for their fraud department to write to Mr K covering the findings of their investigation. And they accepted their service had fallen below that which Mr K could expect and offered him £150 as a gesture of goodwill. Mr K didn't accept this offer. Santander wrote to Mr K on 10 March 2018 on completion of their investigation. They told Mr K there was no monetary loss to the account and that they'd taken measures to ensure the account was secure. Santander also advised Mr K if they found his personal identification details had been misused they could record the impersonation with CIFAS. And Santander said such a CIFAS warning would protect Mr K against further impersonation attempts. Mr K complained to us.

Our investigator didn't think Santander had fallen short of the expected standards or not gone through the required security measures. He thought the goodwill payment offered by Santander was a fair outcome. And he suggested Mr K contact the Information Commissioners Office ("ICO") if he had concerns out how Santander was handling his information and data.

Mr K didn't agree. He thought it was unfortunate and unfair that the information the investigator had used to evaluate to determine the breach on his account wouldn't be available to him. He asked for a refund of the monthly account costs and compensation for the time he'd spent in branch resolving the issue along with £20 for administration fees.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I've come to the view that this isn't a complaint which I can fairly and reasonably uphold.

I fully understand it was distressing for Mr K to learn his account had been accessed without his authority. But, having listened to the calls, I don't think that's because of anything Santander has done wrong. Whoever made the calls on 22 and 23 November 2017 had Mr K's personal details and answered the security questions put by Santander. We don't have a role in saying what measures Santander should have in place for security or to detect fraud. Santander acted promptly when Mr K alerted them to the problem and were later able to give

Mr K an accurate summary of the personal information provided in their letter of the 10 March 2018.

It's never been disputed that the calls made on the 22 and 23 November 2017 were by someone other than Mr K. So, for this and for the reasons the investigators already explained in his view I don't think the call recordings should be released to Mr K.

Whilst I can understand Mr K's frustration with the situation, including the current difficulties he has with switching his account, I don't have any basis to say Santander made a mistake or ought to have done more. So, I can't require them to do anything further. But Santander has offered a goodwill payment of £150 which I consider to be a very fair response. I understand that offer remains open and shall leave it to Mr K to decide whether he wishes to accept it directly.

my final decision

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 K to accept or reject my decision before 5 August 2018.

Annabel O'Sullivan
ombudsman