

complaint

Mr B complains about the level of service he's received from Be Wiser Insurance Services Ltd in regard to his motor insurance policy.

background

Mr B said Be Wiser continued to send him marketing literature after he asked it not to. It also sent him another customer's quote, including their personal information. He didn't receive his own renewal documents, which were due to be sent out at around the same time. Mr B says Be Wiser didn't respond to his emails or acknowledge his complaint in a reasonable timeframe.

Our adjudicator recommended that the complaint should be upheld. She thought Mr B had asked Be Wiser not to send him marketing materials from it or other parties. But Be Wiser hadn't acted to stop the actions of other companies. So Mr B still received these and one from Be Wiser for several months. She thought Be Wiser's data protection breach had caused Mr B upset. She also thought Be Wiser hadn't acknowledged Mr B's complaint in a timely fashion. She thought Be Wiser should pay Mr B £200 compensation for the trouble and upset caused him.

Be Wiser replied that some material it sent to Mr B was acceptable. But it agreed that other companies had sent him material after he asked this to stop. It hadn't evidence of the data protection breach or that Mr B had told it about this. It said that, in any case, mistakes did happen. It said Mr B had withdrawn his complaint so it hadn't investigated it further until it came to our service. It didn't think it should award Mr B £200 compensation.

my findings

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

I can appreciate that Mr B felt frustrated that he continued to receive marketing contacts from Be Wiser and its partners after he asked for it to stop. I can see that he didn't want to be interrupted by unnecessary calls at work or be pestered by unwanted emails and post. I can also appreciate that he was worried when he received another customer's personal information. This made him worried about the security of his own information held by Be Wiser.

I think it's agreed that Mr B asked Be Wiser to not contact him with marketing material. It followed this instruction in regard to calls and then, when Mr B further protested, emails and post. Be Wiser's agreed that it and one of its partners continued to send Mr B material after this.

Be Wiser's said that the material it sent to Mr B was acceptable as it was set out in its business terms. But I don't agree. Mr B asked not to be sent marketing material. I think the offer Be Wiser sent Mr B on his birthday was clearly marketing material. So I think Be Wiser didn't follow his request and this caused him upset.

Also, I haven't seen evidence that Be Wiser told its partners to stop sending Mr B marketing material. I don't think this was reasonable and again this caused Mr B unnecessary upset.

Be Wiser said that Mr B didn't tell it about the data protection breach. But I've seen the email he sent to the renewals team telling it about this. Be Wiser said that mistakes can unfortunately occur. But I agree with the adjudicator that the effect on Mr B should be considered. He was left worried and upset by the breach.

Be Wiser said that Mr B withdrew his complaint so it hadn't investigated it further. It also said that a system failure meant it lost information about his complaint. But I think Mr B gave up on his complaint in frustration at Be Wiser's lack of response to his concerns. Be Wiser may have had system problems, but there was still an impact on Mr B.

I've seen the email that Mr B sent to Be Wiser's directors on two occasions. These clearly express his dissatisfaction with Be Wiser's service and then its lack of response. Be Wiser said that it hadn't received these emails, but they were copied to its customer service team. I think Be Wiser should have acknowledged and addressed Mr B's concerns when he first raised them. I think Be Wiser had ample time to investigate Mr B's complaint and consider compensation for his trouble and upset.

Our adjudicator thought that Be Wiser should pay Mr B £200 compensation for the trouble and upset caused by its level of service. Mr B clearly expressed his wishes regarding marketing information, but these weren't followed. This caused him inconvenience in having to follow this up and frustration. Mr B was caused worry by the data protection breach. Mr B was caused further frustration by Be Wiser's delay in responding to his complaint and its lack of response to his concerns. I think £200 compensation is fair and reasonable compensation for this. It's in keeping with the level we'd award.

my final decision

My final decision is that I uphold this complaint. I require Be Wiser Insurance Services Ltd to pay Mr B £200 compensation for the trouble and upset caused by its level of customer service.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 22 April 2016.

Phillip Berechree
ombudsman