

complaint

Mr B complains that he received another customer's statements from Volkswagen Financial Services (UK) Limited and that his statements were sent to another customer.

background

In September 2015 Mr B was supplied with a van and entered into a hire purchase agreement with VWFS.

In May 2018 Mr B contacted VWFS and asked for a statement of account to be sent to him by email.

When Mr B received the statement of account he noticed that it related to someone else.

Mr B complained to VWFS. It said that there was another customer with the same name and that the accounts had been merged in error.

Mr B wasn't happy with VWFS's response. He says he's lost confidence in the business and wants his agreement cancelled and all payments returned. He also wants compensation for the data breach.

During the investigation by this service, VWFS made an offer to settle the complaint. Our investigator felt that the offer was fair.

Mr B didn't agree. He said that VWFS had made an error by merging his account with someone else's and that it had taken VWFS three attempts to rectify the issue. Mr B said that the error had delayed his mortgage application.

my findings

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

My role is to determine whether VWFS has made an error and to look at the impact that any error has had on Mr B. It isn't my role to determine whether VWFS has breached any data protection regulations. This is something which only the Information Commissioners Office can determine.

VWFS has acknowledged that it made an error. It has explained how it records information about customers who hold finance agreements and the system in place for linking a customer who holds more than one account. In Mr B's case, VWFS has explained that human error led to him being linked to another customer with the same name. VWFS says that the error was only identified when Mr B received the wrong statement and complained. Although VWFS took corrective action, I can see that further human errors occurred which meant that Mr B's statement was sent to the other customer's address.

There's no dispute that VWFS made errors. I've looked at the impact of the error on Mr B and in doing so I've taken into account his concerns that the disclosure of his personal data could have had adverse consequences.

I've looked at the documents which were sent to the other customer in error. These don't contain any personal information relating to Mr B. They state the agreement number, the registration and make of the car and transactions on the account. I've taken account of the fact that the information was disclosed to a single person only and didn't include any high risk or sensitive data (such as identity data, financial data or health data). On balance, I'm of the view that the risk of identity theft or fraud, physical harm or damage to reputation was negligible.

However, I also appreciate that Mr B has been caused a significant deal of distress as a result of the error. I've taken account of his concerns about identity fraud (although I've explained above why I think there was little or no risk of this). I've also noted Mr B's comments that his mortgage application was delayed. I can see that VWFS took quite a long time to resolve the issue and I think that it could have handled things better by keeping Mr B informed.

I understand that Mr B wants to return the van and receive a refund of his payments. I don't think this is an appropriate remedy because Mr B has had use of the van for over three years with no issues. I haven't seen any information to suggest that a rejection is warranted. Instead, I think VWFS should pay compensation to Mr B for the distress and inconvenience caused by the error.

my final decision

My final decision is that I uphold the complaint. Volkswagen Financial Services (UK) Limited should pay compensation of £750 to Mr B for distress and inconvenience.

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

Emma Davy
ombudsman