

complaint

Miss D complains about Moneybarn Plc sending confidential information about her to a local authority.

background

The adjudicator recommended the complaint be upheld. He noted the findings of the Information Commissioner's Office (ICO) investigation and that Moneybarn was 'unlikely to have complied with the Data Protection Act'. He thought that Miss D had been inconvenienced by this and recommended Moneybarn pay her £50.

Moneybarn agreed to pay the £50 but Miss D was unhappy with the amount. She says the law states that there should be penalties when a business breaches the Data Protection Act and her health has deteriorated because of the stress caused.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Having done so, I have upheld the complaint for essentially the same reasons as the adjudicator.

The findings of the ICO report are clear and there seems to be no dispute that Moneybarn should not have provided copies of certain documents to the third party. Miss D is unhappy about the amount of award the adjudicator proposed and notes that the law says there should be penalties for a business when the Data Protection Act is breached.

It is not our role to fine or punish a business. We look at the actions of a business and if there has been an error what the likely affect or impact that error has on the individual. I have considered the specific circumstances here but I do not think that Moneybarn has caused Miss D any significant distress or inconvenience. The third party was a local authority and it is unlikely that the information was divulged to anyone else.

I accept that Miss D has been caused some degree of distress and inconvenience but I think it has been minimal. I should also stress that any distress or inconvenience relates solely to Moneybarn sending her personal information to a third party and is not connected to the circumstances of a separate complaint that Miss D has against Moneybarn.

Any award that I make should reflect the level of distress and inconvenience caused and having considered the circumstances here, I think that £50 is reasonable.

I appreciate Miss D will be unhappy with my award but I do not think there are sufficient grounds to instruct Moneybarn to pay anything more.

my final decision

My final decision is that I uphold this complaint and direct Moneybarn Plc to pay Miss D £50.

Mark Hollands
ombudsman