

complaint

Mrs E, on behalf of the estate of the late Mrs C, complains that The Prudential Assurance Company Limited passed sensitive information to her brother in error.

background

Mrs E is the sole executor to the late Mrs C's estate and in early 2013 she made a claim on behalf of the estate in respect of a policy held by her late mother. This was paid out shortly afterwards by Prudential. In early 2014 Mrs E's brother wrote to the business and asked if any policies of his late mother had been claimed against. Prudential replied and informed him that the policy had been paid to his sister a year previously.

Mrs E having become aware that Prudential had provided this information to her brother complained. The business accepted that it had released the information in error, apologised and paid Mrs E £100 compensation. Mrs E was unhappy with this response and brought her complaint to this service.

The complaint was investigated by one of our adjudicators who did not recommend that it be upheld. The adjudicator explained that although an error had been made, the business had already attempted to rectify its error in a fair and reasonable way.

Mrs E stated that the error led to her brother potentially taking court action against her. However, having assessed the additional information which Mrs E provided, the adjudicator was not persuaded that this error was the sole reason her brother may take legal action.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

It is unfortunate that the business gave information to Mrs E's brother to which he was not entitled. I can understand that it was seeking to be helpful to a bereaved relative. It has recognised that it made a mistake and has apologised and paid compensation. I consider this to have been a fair and reasonable response. Mrs E has said that her brother took legal advice regarding the distribution of the estate and that this was caused by Prudential's error. However, having seen a letter from her brother's solicitor I note the life assurance pay-out is a relatively small element of a wider dispute. I do not consider the error made by the business was the cause of Mrs E's brother's potential legal action which I suspect would have happened regardless of Prudential's error.

my final decision

My final decision is that I do not uphold this complaint,

Ivor Graham
ombudsman