

complaint

Mr O complains that Vanquis Bank Limited have caused him distress and inconvenience by not providing him with all the information he requested as part of a subject access request.

background

Mr O has a credit card account with Vanquis that he took out in June 2017. In January 2018 the account was passed to external debt collectors as the limit had been exceeded and a number of monthly payments had been missed.

In mid-2018 Mr O contacted Vanquis to say that he didn't recognise the account that he was being chased by the debt collectors about. Due to this, Vanquis raised a fraud investigation to make sure the account hadn't been taken out fraudulently in Mr O's name. Mr O also made a Subject Access request at this time. Vanquis explained that they were unable to send Mr O any information about the account while the investigation was taking place.

The investigation concluded in October 2018. Vanquis then processed Mr O's Subject Access Request (SAR). Mr O received the SAR in December however was unhappy as he wanted copies of the recordings of all the calls he had made to Vanquis which they hadn't provided as part of the SAR. He complained to Vanquis.

Vanquis didn't uphold his complaint. They said they don't have an obligation to provide call recordings and they had provided notes from all of Mr O's calls instead. However they offered to provide any calls Mr O would like to listen to specifically.

Vanquis provided some calls to Mr O in January 2019. They then provided all calls in March 2019, after Mr O complained that the ones they sent were not enough. They also gave Mr O £100 compensation as a gesture of goodwill for the distress caused by having to call them so many times.

Mr O was unhappy with the amount of time it had taken for Vanquis to provide all the information he had requested, so he brought his complaint to this service.

Our investigator considered all the issues and didn't recommend upholding Mr O's complaint. He found that although Vanquis could have provided better service, their offer of £100 was fair.

Mr O disagreed with our investigator and asked for the complaint to be looked at by an ombudsman.

my findings

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

Mr O currently has other complaints against Vanquis that either have been or are being considered by this service. The complaint I am deciding on here, is just about how Vanquis handled Mr O's requests for information after their final response letter issued in July 2018.

As part of this complaint, I'm unable to consider whether Vanquis met their requirements under law, when processing the SAR. This doesn't fall into the remit of this service as these requests are governed by the Information Commissioners Office. I will therefore only look at the service Vanquis provided when dealing with Mr O's requests for information and whether they treated him fairly.

Mr O made a SAR in July 2018. Around this time he also raised concerns that the account which had been passed to the external debt collection agency wasn't his. Due to this, Vanquis opened an investigation into the account to make sure it hadn't been set up fraudulently in his name. While this investigation was taking place, Vanquis were unable to provide Mr O with information about this account. This is because there was a concern raised about whether the account was Mr O's. I'm satisfied it was fair for Vanquis to take precautions during this time. I say this because it wouldn't be fair and reasonable for Vanquis to send Mr O information which could belong to someone else. So I can't say Vanquis were responsible for delays in providing the SAR during this time.

After the investigation concluded, Vanquis processed Mr O's SAR. On receiving the information at the end of November, Mr O said he also wanted the recordings of all calls he had made to Vanquis. Vanquis said that the process of extracting and downloading phone calls is particularly time consuming, which is why they don't usually provide all calls as part of a SAR. Instead, they provided all call notes, which I think is reasonable as this provides a record of all contact made with them. This would also allow Mr O to identify any specific calls he would like to listen to.

However Mr O went on to request all the call recordings. Vanquis did eventually provide all the calls, however I think they could have been clearer about what they would provide and when. Mr O first requested the call recordings at the beginning of December 2018 and they weren't sent to him until March 2019. During this time he was provided with very little information and he had to chase responses. Further, when he was sent the first set of call recordings, from what I've seen it wasn't clear why these calls had been selected.

I can see that this unclear information would have been inconvenient and distressing for Mr O, and it meant he had to contact Vanquis a number of times. However, Vanquis have given Mr O £100 compensation to make up for the unnecessary inconvenience of having to call on a number of occasions and I think this is fair in the circumstances.

So although I can see there were some delays to Vanquis providing all the information Mr O requested, I can't hold them completely responsible. I agree that Vanquis could have been clearer about what they were able to provide and when and also with keeping Mr O updated. So I agree they did cause Mr O some unnecessary distress and inconvenience and should compensate him for this. I can see Vanquis has already paid Mr O £100 compensation to make up for this inconvenience, I'm satisfied this is fair in the circumstances. I therefore won't be telling them to do anything further.

my final decision

For the reasons I've given, I don't uphold Mr O's complaint. I therefore don't require Vanquis Bank Limited to do anything further.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr O to accept or reject my decision before 4 December 2019.

Sophie Goodyear
ombudsman