



14 May 2025

Final report by the Complaints Commissioner

Complaint number 202400670

The complaint

1. On 11 February 2025, you submitted a complaint to my office about the FCA, which can be broadly summarised as follows:

a. Element One

You allege that the FCA breached your privacy rights by contacting the police without your consent, as it was concerned for your welfare.

Outcome: *Complaint about UK GDPR not investigated; however, in my view the FCA acted reasonably.*

b. Element Two

You allege that by closing your email queries without reminding you that they had already been addressed, the FCA failed to take your personal circumstances into consideration.

Outcome: *Complaint Upheld.*

c. Element Three

You are unhappy the FCA has not intervened to resolve your dispute with Bank X and Bank Y.

Outcome: *Complaint Excluded*

Background

2. You have a personal dispute with Bank X and Bank Y and are unhappy with their actions: they closed your bank accounts, and it is your view that they did this in breach of FCA regulations. You have said to me that you wish the

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FCA to intervene and that “*anything less than me allowing to bank with X & Y would be unacceptable.*”

3. In November 2024, you contacted the FCA Supervision Hub (“the Hub”) and advised that the closure of your bank accounts had a significant impact on your mental health.
4. The Hub responded with suggestions for organisations that may assist you in relation to your mental health and said your information about the banks was logged and conveyed to the relevant areas. Your subsequent response to the Hub’s email raised welfare concerns, prompting the Hub to ask the police to visit you and check on your wellbeing on 29 November 2024. The Hub emailed you the same day stating your wellbeing was important and they had arranged for a welfare check with police due to their concerns. Later that day you replied to the email saying the police had come that afternoon, and acknowledged, whilst the FCA can’t help it was nice there was actual concern about your safety and stated, “thank you that is appreciated.”
5. There was further communication between yourself and the Hub regarding how to complain about the Financial Ombudsman Service (FOS), however, because you continued to ask the Hub the same question, at a certain point in January 2025 they stopped responding to you on the basis that the question had already been answered.
6. Dissatisfied with the FCA’s actions, on 19 January 2025 you submitted a complaint to the FCA under the Complaints Scheme, and when you were not satisfied with the outcome, you referred it to me.

My analysis and decision

Element One

7. I understand that you found the closure of your bank accounts deeply upsetting. Given the disconcerting language used in your correspondence with the FCA, it is understandable the FCA became concerned for your wellbeing and contacted the police. Furthermore, it notified you of its actions and explained why this was done. Your response at the time was one of appreciation about the concern the FCA showed. You have since reconsidered and now feel the FCA ought not to have called the police as this breached your privacy.

8. Issues related to UK GDPR are not within my remit, therefore the narrow point of your complaint as to whether your privacy rights were breached is better dealt with elsewhere, namely the Information Commissioner's Office <https://ico.org.uk/for-the-public/>. The FCA has explained to you that within UK GDPR UK there are provisions for using personal information when there is a threat to life (Article 6 (1)(d)) and also given you referral rights to the ICO.
9. For the reasons above I will not investigate the issue of whether the FCA breached your privacy rights under the Complaints Scheme.
10. On the more general point of whether the FCA acted reasonably in contacting the police when it became concerned about your welfare, it seems to me that the FCA acted reasonably in the circumstances. In instances where a life is at current risk, there is an acute duty on organisations such as the FCA to report its concerns to the relevant authorities in the public interest¹.

Element Two

11. Having reviewed the information on file, I agree the FCA could have handled the situation more thoughtfully before closing down your queries as duplicates and not offering any additional response. However, I note that the FCA did provide a timely response to your initial query, and has now apologised that it did not inform you that it would no longer correspond with you on matters which had already been answered.
12. I uphold this Element of your complaint, however, I do not consider that any further remedy is necessary under the Complaints Scheme.

Element Three

13. I understand that you are unhappy with the actions of Bank X and Bank Y who closed your bank accounts and would like for the FCA to intervene so that you can have your bank accounts reinstated. However, as the FCA explained, it can not intervene in disputes between members of the public and financial services

¹ EHIC <https://www.equalityhumanrights.com/guidance/human-rights-and-complaints-ombudsman-schemes/right-life-ombudsman-schemes#:~:text=In%20instances%20where%20a%20life,authorities%20in%20the%20public%20interest.>

providers. It does not investigate individuals' personal complaints against the firms it regulates; that is the role of the FOS.

14. The reason for this is that Parliament has set up another route to properly consider complaints such as yours. The FOS is the legal complaint resolution scheme set up by Parliament under the Financial Services and Markets Act 2000 (FSMA). Its role is to resolve individual complaints between regulated firms and their customers. Based on the information on file, I understand that you have already been in touch with the FOS.
15. The investigator at the FCA was correct to say that the subject matter of your complaint is excluded from the Scheme because it is not connected with the FCA's relevant functions.
16. For the reasons above, I exclude this Element of your complaint.
17. I would like to provide you with some further general information which does not have a direct bearing on your complaint, but which you may find useful. The FCA can and does review concerns arising from information about individual complaints when appropriate, but it investigates those in the context of considering whether or not regulatory action is justified, rather than whether or not the individual requires redress. The fact that a financial services firm may have done something which justifies redress for you personally does not automatically mean that regulatory action is justified— that would depend upon the scale of the problem, and the risk of recurrence. Nor does it mean, without further evidence, that the FCA is not regulating the firm appropriately.
18. The FCA has confirmed that the information you provided has been passed to the appropriate Supervision Team. The information received by the Supervision Teams from consumers like yourself is collated, and reviewed regularly by the Supervision Teams which may take action as appropriate, although for confidentiality reasons the FCA does not usually provide feedback about what action it did or did not take.

The Complaints Commissioner

Complaints Commissioner

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