

30 August 2018

Final report by the Complaints Commissioner**Complaint number FCA00478***The complaint*

1. You are complaining about the FCA as on their advice you sent your personal data to the wrong firm.

What the complaint is about

2. You contacted the FCA to find out the contact details of Firm X as you wanted to make a Payment Protection Insurance (PPI) complaint. You were given incorrect information and ended up sending your confidential personal data to the wrong firm. This has led to a lot of worry as you do not know who may have access to your information.

What the regulator decided

3. The FCA upheld your complaint, apologised for the inconvenience caused; took steps to ensure all Customer Contact Centre (CCC) Associates know how to identify the correct firm (as there are several with very similar names to Firm X), as well as adding Firm X's details to their "PPI firm list"; and offered you a £20 ex gratia payment in recognition of the inconvenience caused.

Why you are unhappy with the regulator's decision

4. You are unhappy with the FCA's decision for two reasons:

Reason 1

You sent confidential information to Firm Y based on the advice the FCA gave you. Firm Y should not have had this information, which you believe is sitting on their systems somewhere and is being accessed and potentially used by people who should not have access to it.

Reason 2

You do not believe the £20 ex gratia payment offered by the FCA covers the inconvenience caused or the potential financial consequences you may suffer due to unknown persons accessing your personal data without your consent.

My analysis

5. Having reviewed the files of the FCA, it is clear that they made a mistake in not ensuring they had enough information to be able to give you the correct details, and this resulted in you contacting and sending personal details to the wrong firm.
6. The FCA admitted to the mistake and took steps to address this by updating their website with the correct details so that other consumers will be able to access the information easily, and by providing training to the Contact Centre Associates.

My decision

7. I uphold the FCA's decision in relation to *Element one* as they have taken reasonable steps to rectify the mistake made and to prevent it happening again in future, and any additional steps to protect yourself would have to be taken by you.
8. I uphold the FCA's decision to apologise to you and offer an ex gratia payment for the inconvenience caused but I **recommend** that they increase this offer to £50 to reflect the time you have had to spend to ensure that your personal data is protected and the resulting inconvenience. I note from the responses to my preliminary report that both you and the FCA accept my decision.
9. In order to ensure that your details are not misused by Firm Y, I suggest you contact them directly and ask that they destroy your personal information sent to them in error to protect yourself from any future losses. If you have done this already and believe that the firm will not do as you have asked, you may contact the Information Commissioner's Office for further guidance.

Antony Townsend

Complaints Commissioner

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