

2 September 2020

**Final report by the Complaints Commissioner****Complaint number FCA00748***The complaint*

1. On 28 May 2020 you complained to me about the FCA's response to your complaint about a data breach.

*What the complaint is about*

2. In its decision letter of 24 April 2020, the FCA described your complaint as follows:

*Part one:*

*You have complained that the FCA released confidential information relating to you as part of the data breach in November 2019.*

*Part two:*

*You have complained about how the FCA has engaged with you in relation to this data breach. When you contacted the FCA to understand what information relating to you was disclosed in the breach, you were told that you would be called back the next day. However, two weeks later you had not received any contact from the FCA.*

*Part three:*

*To resolve your complaint, you have asked for answers about the data breach and how it occurred. You have also requested compensation for distress caused as a consequence of the data breach and our communications with you, as outlined in part one and part two.*

### *What the regulator decided*

3. The FCA upheld parts one and two of your complaint. It explained that your name, and some details of your complaint, had been inadvertently disclosed as part of a wider data breach. It told you exactly what information had been disclosed. It also said that you had been promised a call back when you first contacted the FCA on 11 March but that, due to an error, you did not receive one. The FCA then explained the steps it had taken to contact you once the error had been identified.
4. The FCA apologised to you for those errors.
5. The FCA did not uphold part three of your complaint. It said that, given the limited nature of the data which had been disclosed, it considered that an apology was sufficient and compensation was not justified.

### *Why you are unhappy with the regulator's decision*

6. In your email to me, you say that the FCA's apology 'does not go anywhere near dealing with the, upset, angst and time spent trying to actually get some info about what [h]as happened and the months of emails and call needed to even get a reply.'

### *My analysis*

7. I have looked carefully at the documents about your complaint.
8. The data breach was clearly very regrettable. The FCA gave you a full explanation of what had happened, and told you that it has put in place additional safeguards to try to prevent a recurrence.
9. I agree with the FCA that the information about you which was disclosed was very limited – it was your forename and surname, plus a very general description of your complaint which gave no personal details. There is no evidence that the information has been misused. You have told me that you have received scam emails and phone calls since the data breach: if you have evidence that those are connected with the data breach, you should supply that to the FCA.
10. The information was removed from the FCA's website as soon as the FCA became aware of it. In those circumstances, even though I recognise that the

fact of the data breach was understandably upsetting to you, I consider that the FCA's apology was sufficient.

11. In relation to your complaint about the way in which the FCA followed up your complaint, the FCA has already apologised for the fact that one phone call from you was not followed up. I can see from the records that, once that failure had been identified, the FCA took prompt and repeated steps to contact you and to ensure that your complaint was properly recorded and responded to.
12. Although you say that you had to chase the FCA on multiple occasions, I have looked but found no record of that, nor that you waited months for a response. Again, I consider that the FCA's apology for that was sufficient.

*My decision*

13. For the reasons I have given, although I recognise your strong feelings about the data breach, I agree with the FCA's response to your complaint. The data breach should not have happened; you should have received a response to your phone call; and an apology for these errors is sufficient, given the very limited nature of the information which was disclosed.
14. If you have evidence that the data breach has led to actual harm, you should send that to the FCA.

Antony Townsend  
Complaints Commissioner  
2 September 2020