

5 February 2024

IC-283089-N2F1

Request

You asked us:

"Could you please disclose, from the case records of customer data protection complaints in relation to each of the four UK big banks (HSBC, Barclays, Lloyds and Natwest), any information relating to knowledge of computer flaws causing errors to bank accounts. An example might be a customer may attempt to do a transaction in their bank account online but because of an error in the bank's computer system the system may deduct the wrong amount, or add less than the right amount, or may deduct the right (or wrong) amount duplicate times and seeking information that shows banks are already aware of the errors in their systems that might be involved when ICO in contact in a data complaint in which a customer lost out or information of the ICO making a bank aware its system has such an error and any response from the bank if applicable together with the date of such correspondence. This relate to data protection records that the ICO still has, whatever has been retained will determine the limit of the request and in effect the timeframe even though there isn't a timeframe as such, in effect the retention period although if anything has been stored and is still available identified from the ICO's computer system to then track it down this is also in the request. The information request is in effect a four times request, one in relation to each bank in turn and therefore should be handled this way so as to disclose the information separately for each bank, particularly as to what the bank knows or doesn't know or the ICO has informed the specific bank (relevant on each request) during handling of data protection referrals from any customer(s) in relation to their own bank in which they may have alleged personal loss due to inaccurate personal data of their bank balance in relation to themselves from computer error (that the banks may know already or may not similar to the Post Office scandal) or may include use of debit or credit cards, chip and pin transactions in which the system may take more money than it should, computer may give money to the wrong payee, may give it more than once to the correct payee, or once to the correct payee but duplicate the transaction to an incorrect payee (that may be at random and got wrongly linked or mixed up in the system) or anything else related to computer errors already known to banks or ICO making banks aware of them."

We received your request on 16 January 2024.

We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

It is likely that we would hold some information which falls within the scope of your request, however, conducting the searches necessary to confirm if we hold the information you have asked for would exceed the cost limit set out by section 12 of the Freedom of Information Act 2000 (FOIA).

You may be aware section 12 of the FOIA makes clear that a public authority (such as the ICO) is not obliged to comply with a FOIA request if the authority estimates that the cost of complying with the request would exceed the 'appropriate limit'. The 'appropriate limit' for the ICO, as determined in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 is £450. We have determined that £450 would equate to 18 hours work.

The information you have requested is likely to sit within our electronic case management system, which we largely use to track and progress individual cases. However, this system is not set up to easily provide us with the type of information you have requested. Generally speaking this is not the sort of information we would need for our own day to day business purposes.

We have undertaken a search of our electronic case management system for data protection complaints reported to us that we have completed in the past two years, as our retention policy dictates that we generally delete complaint cases 2 years following the completion date, which relate to the financial institutions you have listed in your request. This search has returned 1922 cases.

Unfortunately we cannot electronically extract the information needed to respond to your request. In order to ascertain whether a complainant had mentioned any of the issues you list in your request we would need to manually review the details and correspondence we hold on each of these 1922 cases as it is possible that the information may be provided at a later stage in the complaint rather than just in the initial complaint correspondence itself.

We would estimate that it would take a minimum of 2 minutes per case, however this is a conservative estimate and it is likely to take longer on some cases depending on how much correspondence needs to be reviewed. To carry out these searches for 1922 cases would take at least 64 hours which is well in excess of the section 12 FOIA cost limit, as explained above.

We note that you have requested that we treat this as four individual requests, relating to each of the financial institutions you are interested in, however, the FOIA allows us to aggregate requests which are for the same or similar information and are made within 60 days of each other. As a result, even if we were to treat your correspondence as four separate requests it would still exceed the appropriate limit.

I have given some consideration as to how you may be able to narrow the scope of your request to bring this within the cost limit.

If you chose one of the financial institutions that you are interested in, and specified a particular time period, for example, complaints received during 2023, this may reduce the number sufficiently that we could undertake the searches within the appropriate limit. It would also help if you could clarify that you are only interested in complaints where the main issue they are complaining about is "*computer flaws causing errors to bank accounts*" as this would mean that we would only need to review the initial complaint correspondence, rather than any further correspondence on the case.

Please also be aware that the ICO consider complaints received from the public to be the personal data of the individual making the complaint, it is likely that the correspondence would not be disclosable in response to an FOI request. Unless the amount of information located was minimal, to redact it in a way that we would be able to disclose it would potentially be burdensome. You may, therefore, want to consider how you could request information of a statistical or quantitative nature.

We would also like to point out that although we are likely to hold some information in our complaint case files which is relevant to your interest, it is likely that the type of information you are seeking would be more likely to be reported to the Financial Conduct Authority of the Financial Ombudsman Service as it relates to errors with banking systems.

This concludes our response to your request. I appreciate this response may be disappointing, however, if you are able to revise your request we would be happy to consider any new request you may wish to make. I should point out that any reformulated request you may wish to make will be treated as a new FOI request, and the 20 working day time limit will begin again.

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full review procedure [here](#).

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can [raise a complaint through our website](#).

Your information

Our [Privacy notice](#) explains what we do with the personal data you provide to us, and set out your rights. Our retention schedule can be found [here](#).

Yours sincerely



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