

Bank of Ireland

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Bank of Ireland (UK) plc's breaches of Part 2 and Part 3 of the Retail Banking Market Investigation Order 2017

I am writing to you on behalf of the Competition and Markets Authority (CMA) concerning breaches by Bank of Ireland (UK) plc (Bank of Ireland) of Part 2 and Part 3 of the [Retail Banking Market Investigation Order 2017](#).

Part 2 of the Order requires the largest banks in Great Britain and Northern Ireland to ensure accurate, comprehensive and up to date product and service information is continuously available through Open Banking Application Programming Interfaces (APIs).

Part 3 of the Order requires banks and building societies that offer Personal Current Accounts (PCAs) and Business Current Accounts (BCAs) to publish Service Quality Indicators (SQIs). These SQIs show whether surveyed account holders would recommend certain aspects of the quality of service offered by a bank or building society to friends or family. This information must be published within two steps of the Brand's primary mobile banking app screen under Article 17.1.3(e) of the Order, as well as in other places as set out in Article 17 of the Order.

The breaches

Bank of Ireland breached Part 2 of the Order by making incorrect information available about its products and services. Bank of Ireland has reported that the following incorrect information had been made available through the Read-only requirements of Open Banking:

- Bank of Ireland reported it had 28 branches open in the UK, but between 23 June 2021 and 6 October 2021, it closed 15 branches and business units. The number of branches shared via the API was incorrect from 24 June 2021 when the Bank of Ireland UK branch closure programme commenced until 21 February 2022, at which point the information was corrected.

- Bank of Ireland reported its branch and business centre opening times as 10am to 4pm from Monday to Friday. Bank of Ireland made a change to branch and business centre opening times during the Covid pandemic such that branches and business centres are closed for one hour between 12.30pm and 1.30pm. This change in opening times was introduced on 29 June 2020. This information was incorrect from this date until 21 February 2022, at which point the information was corrected.
- Bank of Ireland reported that it operated 199 ATMs in the UK. As at 9 May 2022, the number of Bank of Ireland ATMs was 42. Bank of Ireland reports that it reduced the number of ATMs from 2 October 2019, completing the programme of closures on 27 April 2022. Therefore, this information was incorrect from 2 October 2019 until 27 April 2022.
- Bank of Ireland reported that there were eleven incorrect or out of date references to its PCAs and BCAs. These included incorrect or out of date information on charges and on features and benefits of these products.

Bank of Ireland breached Part 3 of the Order because between 25 May 2020 and 22 April 2022, its mobile banking app did not display a link to the SQIs within two steps of the primary mobile banking app screen when accessed through tablet devices (such as iPads) as required under Article 17.1.3(e) of the Order. During this time, 5,041 customers logged on to the app on a tablet device, and therefore could have missed out on receiving important information.

Bank of Ireland notified the CMA of the breach of Part 2 on 18 May 2022 and of the breach of Part 3 on 1 February 2022.

The CMA's concerns

The failure to make accurate, comprehensive and up to date product and service information continuously available through Open Banking APIs may result in consumers taking decisions that they would not have taken if they had access to the correct information. For example, third parties can use information from Open Banking APIs to comment on banks' branch and ATM networks. If these networks are smaller than reported, customers can have an incorrect or incomplete understanding of the services available to them.

The requirement for current account providers to make SQIs easily accessible to users of mobile banking apps is an important element of our remedies to address the concerns found in the Retail Banking [Market Investigation](#). This measure, in combination with other remedies, was designed to make it easier for consumers or small businesses to choose the best PCA or BCA for them. If published material is not made available to consumers or small businesses, they might miss out on important information. In this case, consumers using a tablet may not have known that of the four SQIs relating to PCAs, Bank of Ireland are currently ranked 9th, 10th,

9th and 8th out of ten providers in Northern Ireland. Had customers using a tablet known this, they may have considered switching to a higher-scoring competitor.

Bank of Ireland has taken action to put things right

I note that these breaches were self-reported by Bank of Ireland and that it has taken steps to end the breach and to prevent a recurrence.

In relation to Part 2 of the Order, Bank of Ireland has told the CMA that:

- It will implement the findings of a review it has carried out on how it publicises product information for retail banking products.
- A new process will be documented to identify roles and responsibilities within teams responsible for publicising this information. This will require that for any future changes to branch, ATM or product data, the team responsible will update the Open API data, with at least two checks being made of each data item.
- A new control will be implemented to complete a quarterly review to ensure that the information made available is complete and accurate. In addition, a monthly attestation will be required from the respective data owners to confirm (1) if any changes to the Open Data have been made or (2) any upcoming changes that will need to be made to Open Data.

In relation to Part 3 of the Order, Bank of Ireland has told the CMA that:

- It will introduce a quarterly check by the central product team to ensure the correct information is available on the Bank of Ireland mobile banking app when accessed by the customer from all possible device types. This will also include a check that the information is in the correct location.
- Any new requests sent to the team responsible for updating the Bank of Ireland mobile app will be followed up by the requestor to ensure correct interpretation of the change requested.
- Robust evidence will be required as part of the testing programme at final implementation.

CMA assessment and next steps

Given the action that is being taken by Bank of Ireland, the CMA does not consider it appropriate to take further formal enforcement action in relation to these breaches at present. However, the CMA will consider such action in the event of any further failures. The CMA will monitor Bank of Ireland's future compliance closely.

The public version of this letter has been copied to the Financial Conduct Authority.

Yours sincerely

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