

The complaint

Mr W has complained J D Williams & Company Limited continues to put linked addresses on his credit record which are not his.

What happened

In 2019 Mr W noticed an address had been added to his credit record as linked to him. He'd had this problem before when a number of fraudulent accounts with J D Williams had been opened in his name. He'd eventually got J D Williams to sort this out in 2017 after a prolonged battle. He was therefore extremely concerned this problem cropped up again.

J D Williams reviewed their records but felt they'd done nothing to cause this. Back in 2017 they'd marked the account as fraudulent and made sure their debt recovery agent took no further action.

Mr W was unhappy with this outcome and brought his complaint to the ombudsman service.

Our investigator felt there had been an error. He asked J D Williams to pay Mr W £200 in compensation. Whilst J D Williams didn't agree they'd done anything wrong, they were willing to make this payment.

Mr W however didn't believe this was sufficient taking into account what had happened. He felt the impact on him had been substantial and compensation within that category would be more appropriate.

His complaint has been passed to an ombudsman for a decision.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Having done so, I've reached the same conclusion and for roughly the same reasons as our investigator. I am, however, going to award Mr W an increased level of compensation. I've already written to J D Williams to confirm this. They were willing to increase the compensation to £250 but knowing the history of Mr W's complaint, I think he's unlikely to accept this.

I'm not going to cover all the points raised by Mr W in his detailed submissions. No discourtesy is intended by this. Instead, I've focussed on what I think are the key issues here. Our rules allow me to do this. This simply reflects the informal nature of our service as a free alternative to the courts.

When considering what is fair and reasonable, I'm required to take into account: relevant law and regulations; regulators' rules, guidance and standards; codes of practice; and, where appropriate, what I consider to have been good industry practice at the relevant time. This

includes what's required of businesses in ensuring correct data is lodged on individuals' credit records.

So to help me decide what happened, I've looked at the evidence given to me by both parties, as well as what J D Williams and Mr W have told us. I can see most of this was covered in our investigator's view of 24 January 2020 including what had previously occurred between Mr W, J D Williams and their debt recovery agent. I don't intend to repeat everything that was said there. I've also reviewed Mr W's detailed comments in response to that view which were also shared with J D Williams.

In any case there's no dispute that – although J D Williams cannot explain how it happened – an address which is not his had been linked to Mr W's information on his credit record. I can also see that because of the history of being a victim of ID fraud and a debt being reclaimed from him before, this must have made Mr W extremely frustrated.

Mr W had taken steps in 2017 to avoid such issues re-occurring by taking out protective registration and placing precautionary notices on his credit records. He'd also accepted both J D Williams and their agent's confirmation that everything had been sorted out.

In considering what's happened here, I note it's extremely unfortunate that someone found out enough about Mr W to use some of his details to open fraudulent accounts. It's a horrible thing to have happened and I can appreciate the impact that's had on him.

However I can't blame J D Williams for the actions of a fraudster. It's clear Mr W believes that J D Williams strategy and business priorities are not sufficiently targeted towards protecting innocent victims of ID fraud. He's aware though that this is not an issue for our service to opine on. We're not the regulator in this area and J D Williams' compliance with regulation and the processes they have in place are an issue for the Financial Conduct Authority and not our service. My role is to review what happened in Mr W's case and the impact on him.

But having reviewed the actions J D Williams did take, I believe errors were made and this resulted in Mr W's credit record being linked to an incorrect address. This also had an impact on him. So much so I believe J D Williams should provide Mr W with compensation.

Putting things right

I believe J D Williams should pay Mr W £500 for the trouble caused. This is substantially more than the figure our investigator proposed but I've already made J D Williams aware of this figure.

It's clear this further instance of incorrect data on Mr W's record had an impact on him. I may not have decided £500 was fair if there hadn't been earlier instances. This suggests that J D Williams had not taken all the steps necessary to limit this re-occurrence despite being aware what had happened previously. I appreciate nothing is failsafe and they wouldn't be able to always identify instances of ID fraud but this was a name and date of birth that had been used fraudulently before. I'd have expected J D Williams to have picked this up.

Mr W opted to take out subscriptions to check his credit record and as protective registration on the industry fraud database, CIFAS. I can understand why he may have done this after finding himself a victim of ID fraud. I'm not separately asking J D Williams to refund those payments.

My final decision

For the reasons I've given, my final decision is to instruct J D Williams & Company Limited to pay Mr W £500 for the trouble caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 15 October 2020.

Sandra Quinn
Ombudsman