

The complaint

Mr P's unhappy that Capital One (Europe) Bank plc (Capital One) haven't removed incorrect information from his credit file despite being asked to.

I sent Mr P and Capital one a provisional decision on 29 May 2020 to explain why I thought Mr P's complaint should be upheld. And I said I'd consider anything else anyone wanted to give me – as long as I received it by 12 June 2020. Capital One said they didn't have anything further to add, but Mr P gave further explanation as to the impact this situation had on him and his health. But I still think Mr P's complaint should be upheld. I've explained my reasoning below.

What happened

Capital One agreed to remove incorrect information on Mr P's credit file relating to a credit card application. This wasn't done as promised and so M P brought the complaint to our service. A final decision relating to this was issued on 24 January 2020 - reference [REDACTED]. In this decision, the ombudsman said that Capital One had confirmed that they'd requested for the information to be removed. The ombudsman instructed Capital One to pay Mr P £200 for the delay in removing the information and for the trouble and upset caused.

Despite Capital One saying they'd requested for the incorrect information on Mr P's credit file to be removed, Mr P discovered it still hadn't. He came back to our service for further help to get this resolved. Capital One investigated what had happened and confirmed with Mr P during a telephone call that his credit file had been updated - however this wasn't the case. It wasn't until March 2020 that the information was updated on his credit file and Mr P could see for himself that this had been done.

Capital One offered Mr P a further £300 for the additional delays in getting things resolved. Our investigator thought an additional £500 was a better reflection of the distress caused to Mr P. This was because he'd been told things were rectified when they hadn't, he'd had to take time off from work due to the impact this was having on his health and for the overall delays of nine months to get the information removed. Neither Capital One or Mr P were happy with the amount of compensation proposed so the case has been passed to me to decide.

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.

I've also had to consider what's already been decided on in the previous final decision relating to this matter. So I can only consider what's happen from the time that decision was issued, 24 January 2020, until now.

Capital One haven't been able to provide a copy of the call they had with Mr P, where he says he was told his credit file had been amended. But they have been able to provide me with copies of the call notes, and the second call Mr P had with them that day. Based on

the information I have, I think it's more likely than not that Mr P was given incorrect information.

Both Capital One and Mr P confirm that the information was finally updated in March 2020, and any adverse information placed on his credit file by Capital One was removed. Mr P has asked for this to be backdated. But it doesn't work in that way – once the information has been removed, it's as if it was never there in the first place. So removing the entry from his credit file for the application of a credit card was all that Capital One were required to do.

Mr P has also mentioned he's lost out on being approved for a bank account where he would've benefited from a promotional offer and received around £200. This is because the information placed on his credit file by Capital One prevented him from being approved for the account. The previous ombudsman's decision took account of other applications made during the time the incorrect information was on his credit file and said:

'Having looked through the historic snapshots of his credit score that Mr P provided, I could see that this stayed constant through the period when searches from other companies were being both added and removed. So although I could understand Mr P's feelings about this Capital One search still showing, I didn't think I could say with any certainty that it alone would have had a negative or detrimental impact on his ability to apply for forms of credit when his credit score stayed at the same level despite updates with the removal or addition of other searches on his record'.

Mr P hasn't provided any additional information relevant to further applications made after 24 January 2020. But even if he had, as has been said before, it would be unlikely we could prove with certainty that the Capital One entry alone was the issue given the historical consistency of his credit score.

Putting things right

I've thought about the impact Mr P says this had on him. And I've taken into account what he's specifically told me about his disability, mental ill health and how this whole situation has impacted inability to continue working. I have no doubt this whole situation has been very stressful and frustrating for Mr P, and has affected his health over the last year. But I'm only able to consider the impact this had since 24 January 2020 – when the previous decision was issued. The previous ombudsman awarded a payment of £200 to acknowledge the delays and impact the situation had on Mr P until they issued their decision.

So because of this, I still think £300, as proposed by Capital One, is a fairer amount of compensation for the further trouble and upset caused to Mr P since the last ombudsman decision, rather than the £500 proposed by the investigator. I know Mr P will be disappointed with this, and he feels a much higher award should be given. But I hope Mr P can see I've considered what he's told me and understands why I think this is a fairer reflection for the reasons I've explained above.

My final decision

I'm upholding this complaint and require Capital One (Europe) Bank plc to pay Mr P £300 for the trouble and upset caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr P to accept or reject my decision before 8 July 2020.

Helen Giles

Ombudsman