

The complaint

Mr F complains Link Financial Outsourcing Limited haven't provided enough information to prove he's responsible for a debt on a credit card they're asking him to repay.

What happened

Mr F said he received a letter from Link in November 2019 saying he had an outstanding debt on a credit card taken out in 2005 with a lender. He was told his account was in default and this had been recorded on his credit file. Mr F says he was unaware of this debt before Link's letter, so asked them to prove the debt was his. Mr F was given statements but with no identifying details to show the debt was his, so he complained about this.

Link replied saying Mr F got in touch saying he had no knowledge of this debt. They said following this they got in touch with the lender and got a copy of the original credit card application form – which they provided to Mr F along with some statements of the account. Link added if Mr F wasn't happy with this information he'd need to speak to the original lender.

Mr F didn't accept this and asked us to look into things. He said he was concerned about the default being applied as he had no notice of this happening – and said had he known about it sooner then he'd have paid off the debt. He was also unhappy about how long Link had taken to reply to his complaint.

One of our investigators considered things and she found based on the information provided Link had shown Mr F was liable for the debt. She also explained we couldn't consider Mr F's concerns about how Link handled his complaint as that's not a regulated activity. And she said any concerns about the default would need to be discussed with the original lender.

Mr F said he still wasn't entirely happy with the level of evidence initially provided, so the complaint's 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 think it's helpful to explain that I'm not considering whether the debt is legitimately Mr F's. I'm only considering whether Link have provided enough information to have a reasonable expectation the debt is his and ask him for repayment of it.

From the information I have it seems another company took over this debt on 15 October 2019 and sent their Notice of Assignment to Mr F on 17 October 2019 – explaining they'd asked Link to manage the account. Link have also provided a letter from the original lender addressed to Mr F to say they'd assigned their interest in the account to the new company. Link have also provided Mr F and our service with an application form, and some statements of the account history. And Link's internal notes show the debt has since been paid off.

So, to decide whether I'm satisfied Link have a reasonable expectation the debt is his and are acting fairly in asking him to repay it I've thought about what all of this information shows.

The credit card application form has Mr F's personal details in it, including his name, address at the time and his date of birth. And some of the statements provided show Mr F's name and address as well.

During the complaint Mr F has also accepted he had a card with the original lender, but says he thought it'd been paid off. Given the credit card was originally taken out in 2005, I can see why it's possible Mr F may have forgotten about the account.

But, as I mentioned above, I'm looking to see whether Link have enough information to be able to reasonably ask him to repay the debt. As Mr F has confirmed he had a credit card with the same lender, and the details provided on the evidence given to us match his details – I think it's fair to say Link acted fairly in asking him to repay the debt. And, as I said above, I've noted he's now paid it off.

I do understand Mr F's concerns about the information initially provided to him. But generally, debt collectors will only get further information when asked – as they're not often provided all of the paperwork regarding any lending when taking over the account. I can see Link did ask for this information promptly upon Mr F getting in touch. And, while some of the information could have been more detailed, Link passed on what they were given by the lender.

During the course of the complaint Mr F has made it clear he's not happy he didn't know about the default being applied to his account – and says he'd have paid off the debt if he'd known about it. He's also suggested the debt may not be his previously. These issues would be the responsibility of the lender as it doesn't appear Link were involved – so Mr F may wish to raise his concerns with them which I understand he's in the process of doing.

My final decision

For the reasons I've explained above I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 24 June 2021.

Jon Pearce
Ombudsman