

The complaint

Mrs P has complained that Equifax Limited gave her address to a debt collector.

What happened

In 2020, a debt collector contacted Mrs P about an old account, and told her they got her address from Equifax.

Mrs P complained. She explained she was worried that if Equifax gave out her details to anyone, they might give it to someone she used to know who was abusive. She also argued that the account the debt collector contacted her about wasn't one she was responsible for paying. She asked Equifax to erase her credit file data.

Equifax initially explained they couldn't find her file based on the information she'd given them. They then explained they were a credit reference agency, who had a legitimate reason to hold and process Mrs P's data – and that it was important they held such data for the workings of the financial system. So they said they wouldn't delete her credit file data.

Our investigator looked into things independently and didn't uphold the complaint. They explained Equifax were entitled to hold onto Mrs P's credit file data for other financial businesses, and they didn't have to delete it. They were also entitled to give her address to the debt collector. They explained Equifax didn't give out data to just anyone, and the debt collector were a proper business who'd got the data through official channels.

Mrs P didn't agree. She reiterated the debt wasn't hers. And she said she never got Equifax's responses to her complaint. 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.

Having done that, I've come to the same conclusions as our investigator, and for much the same reasons.

First, I will say that I completely understand where Mrs P is coming from. I appreciate that because of the truly tough time she went through in the past, she's particularly vigilant about her data, and is worried about it being potentially misused.

I hope I can reassure Mrs P that Equifax did not misuse her data by giving her address to the debt collector. Indeed, as a credit reference agency, that's one of their proper functions – if a financial business is having trouble getting in touch with a customer or is worried they don't have adequate contact details, they can ask for data from credit reference agencies to help them. It's quite normal.

Credit reference agencies are an important part of the financial system, and so Equifax have a legitimate reason to be holding onto Mrs P's data. So I think it's reasonable that they haven't deleted it.

I hope I can also reassure Mrs P that Equifax are not there to give out personal details to anyone, as she's said she's worried about. They share these details with regulated businesses, and for appropriate purposes – in this case, chasing a debt. An unverified individual could not simply call up Equifax and get Mrs P's sensitive data in the way she's suggested. And that's not what happened here – Equifax only gave her address to a properly regulated debt collector.

I understand that Mrs P disputes the debt, arguing it's not her responsibility, it's too old, and she'd been through an insolvency process in any case. And I do understand why she made these points. But I'm afraid that's a dispute she'd need to have with the debt collector or the current owner of the debt, rather than Equifax. Equifax are just the credit reference agency here, they're not a court or a dispute resolution service and it wasn't really for them to decide whether the collector should be chasing Mrs P or not. I'll send Mrs P some details for how she might be able to complain about the debt collector directly.

Lastly, I understand that Mrs P doesn't recall receiving Equifax's responses to her complaint. It may well be that they went to her spam folder or otherwise got misplaced. But I can see that Equifax did send her the responses.

Overall, I have not found that Equifax did anything substantially wrong in this case.

My final decision

For the reasons I've explained, I don't uphold Mrs P's complaint about Equifax Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs P to accept or reject my decision before 6 July 2021.

Adam Charles
Ombudsman