

The complaint

Mr K complains about Equifax Limited's actions when processing a change of name for him in connection with his credit reports.

What happened

Mr K changed his name and says he encountered the following issues getting Equifax to update it:

- Delay between first asking for the name change on 5 May 2020, to it happening on 30 July 2020
- Despite Equifax being aware of his preference not to send and / or receive information electronically, they kept insisting he did so. He said they were exploiting the Covid-19 situation by doing this, rather than communicating by post as was his preference.
- He asked for his statutory report to be sent to him by post, but this hadn't happened.
- They sent him repetitive and confusing emails multiple times as well as continuing to address him by his former name – and responses were sent from different staff members. He said Equifax were deliberately antagonising him and trying to manipulate him into giving out more personal information than he needed to.
- He said one of Equifax's staff asked him why he changed his name, but no other organisation did and doesn't think they should have either.

Overall Mr K felt Equifax were deliberately causing him problems and discriminating against him.

Equifax said they understood Mr K had raised numerous cases with them to get his name updated on their system – and this had been done as of 30 July 2020. Equifax said due to system constraints they couldn't load alias records for males – but notes are added to a person's report in both names to let lenders know there has been a change. They said sorry for the delay Mr K had on this. And, for the inconvenience Mr K had experienced, they offered him £150 compensation.

Unhappy with this Mr K asked us to look into things. He said he didn't believe his complaint was treated fairly and said he should be compensated so much more than £150 for the amount of times he's had to contact them. Mr K also noted Equifax told him they couldn't add alias records for males – and said if that isn't another form of discrimination then he doesn't know what is. Mr K had also asked for his statutory credit report to be posted to him – but at the time of bringing his complaint to our service he said it'd not been received.

Equifax sent us their case file, and in their covering email said it wasn't clearly explained what can and can't be done – explaining they could:

- Change people's names on their Equifax report application made online.
- Change their name on the support account used to raise queries to Equifax.

- Add a “notice of correction” to people’s reports to explain the change of name which appears to lenders who carry out a check

Equifax also said they can’t change people’s names on the credit history – such as credit agreements, historic Electoral Rolls, searches, court information and so on. Equifax told us Mr K’s support account wasn’t updated, which is why some communication was sent in his old name.

Our Investigator upheld Mr K’s complaint. Although he couldn’t say there was any discrimination towards Mr K, Equifax’s service fell well below the standard he’d expect – so he awarded £300 compensation in total.

Equifax replied, and said they accepted this outcome.

Initially, Mr K did as well. But, two days later, he said he wasn’t happy to accept the compensation offered due to the losses and damages he continues to incur. Because of that, 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 important to firstly explain I’ve read and taken into account all of the information provided by both parties, in reaching my decision. I say this as I’m aware I’ve summarised Mr K’s complaint in less detail than he’s given our service. If I’ve not reflected something that’s been said in this decision it’s not because I didn’t see it, it’s because I didn’t deem it relevant to the crux of the complaint. This isn’t intended as a discourtesy to either party, but merely to reflect my informal role in deciding what a fair and reasonable outcome is. This also means I don’t think it’s necessary to get an answer, or provide my own answer, to every question raised unless I think it’s relevant to the crux of the complaint.

I also think it’s important to set out I can only consider Mr K’s complaint against Equifax in the context of what’s happened. I’ve noted Mr K has some wider concerns, but I can’t consider those.

Mr K has raised a number of issues about Equifax which I can consider, and I’ve separated those into sections below. I’ll then consider what I think is a fair way to resolve matters in the summary section at the end.

Delay between first asking for the name change on 5 May 2020, to it happening on 30 July 2020

I can see from the information provided by both parties Mr K first contacted Equifax about updating his name on their systems because he’d been turned down for credit in his new name – and thought Equifax having his old name might be the reason for this. This was 5 May 2020.

He asked about getting it updated and was told it’d take a week. The same day, he called back as he had concerns with how the first call handler dealt with his query and this time was told the change would take two weeks.

On the same day he wrote and posted a letter to Equifax, containing the relevant evidence to change his name.

Between then and 30 July 2020 Mr K called and spoke to Equifax on multiple occasions, trying to get matters sorted. He was given conflicting information about when his name change would take effect and given promises about matters being completed within a week which then weren't met.

Quite simply it shouldn't have been this difficult for Equifax to have dealt with this request far more efficiently than they did – nor for Equifax's advisers to give Mr K clear and consistent information about what would happen and when. This is something I'd likely expect Equifax to have dealt with on many occasions. So, I think this element of his complaint is worthy of compensation.

Repetitive emails from different members of staff with Mr K's old name

I've seen Mr K made ten calls in May, June and July 2020 in an effort to get this matter resolved. Equifax have only been able to provide five of those calls seemingly due to system issues. While that's unfortunate, I've seen no reason to disbelieve Equifax when they say they can only provide five of these calls, so I draw no negative inferences from this.

When listening to the five calls that have been provided, I can hear Equifax's advisers offering to raise complaints on Mr K's behalf when his name change hadn't happened within a timeframe he'd previously been told. I can also hear Mr K saying other advisers had already done this in previous conversations, but nothing happened off the back of this.

It seems Equifax have set up new complaints each time off the back of his phone calls, rather than assigning Mr K's concerns to the existing complaint they were already investigating. This has then led to different staff members contacting him about the issue – when he'd already had an existing complaint that hadn't been answered.

Mr K has said Equifax have done this deliberately in an effort to confuse him – and have maliciously kept communicating with him in his old name to upset him. Equifax say different people replied because that's standard practice when handling queries – and they continued to communicate in his old name, because they'd not updated his name on the support account.

I've seen nothing to suggest they did this deliberately to confuse or upset Mr K as he's suggested – but that doesn't mean it wasn't confusing or upsetting. Equifax had effectively one issue they needed to resolve, updating Mr K's name on their systems which they'd failed to. Multiple people writing to Mr K, in his old name, about a complaint which was about the fact that they'd failed to update his name would suggest a real lack of care, attention to detail and customer focus when trying to resolve an issue.

So, although I don't think they did this deliberately, I do think Equifax's actions have been confusing and upsetting for Mr K.

Equifax asked why Mr K had changed his name

Mr K says Equifax asking this is an invasion of his privacy, as no one else asked him why he'd changed his name, and it's none of their business. Our Investigator asked Equifax if this is information they'd usually required, and they told him no.

Unhelpfully, I don't have the call where Mr K says this happened – as having listened to the five calls I do have, this doesn't come up. Where information is incomplete, as it is here, I need to decide what I think is more likely than not, based on the information I do have.

It's clear from the above information I've set out, Equifax didn't handle things well, and regularly got things wrong. What Mr K told us was happening when he first contacted us – such as delays, multiple people sending him information, the statutory report not being sent – are all points I've ended up agreeing with once I've looked at the evidence.

I'm satisfied that lends credibility to Mr K's comments that he was asked this – even though I don't have the evidence to prove it. So, I think it's more likely than not Mr K was asked by one of Equifax's advisers the reason for his change of name – when there was no clear reason for them to have done so. I can see this really offended Mr K, so again I'll consider this at the end.

Communicating electronically

I understand Mr K's frustration here is that his preference isn't to always communicate electronically, and he says people should be able to do things by post if they want to. Mr K felt Equifax were exploiting the Covid-19 situation by making this their policy.

I can understand Mr K's frustration on this, but I also think it's important to recognise many companies these days will look to do things online as that often can be quicker and more preferable for people. In addition, the Covid-19 situation was unexpected and unprecedented, and meant financial businesses like Equifax had to adapt their communications with their customers. This did cause a number of issues for companies with how they might need to communicate.

That said, I've noted during Mr K's conversations in the phone calls I've listened to that took place in May, June and July where he's asked for some information to be sent by post Equifax have said they'd do that – and did.

So, overall, I don't think Equifax have done anything wrong on this point, as it seems despite Mr K's concerns, they have posted information out to him when he's specifically asked for it.

Statutory report not being sent by post

Despite the above, Mr K has complained he didn't get his statutory report by post which he'd asked for.

This isn't because Equifax wasn't sending information out by post, as I've mentioned above, but because it seems they missed his requests for this.

In Mr K's letter of 5 May 2020, he asked for his statutory report to be sent out to him by post. In addition, I've heard Mr K mention this in the phone call on 15 June 2020 – which wasn't picked up by the adviser he spoke to.

So, clearly, Mr K did ask for his statutory report – but when our Investigator asked Equifax about this, they said they had no record of him asking for his statutory report.

Again, I think this is worthy of compensation given Equifax have made an error here leading to frustration for Mr K which could easily have been avoided.

Since then, things have moved on, and Mr K asked for the report to only be sent by email which our Investigator told Equifax. I include this information here to ensure Equifax don't misunderstand what I've said, and now send one out by post – and for reassurance to Mr K to know his request for the report to only be sent by email has been seen.

Discrimination

I should stress that it's not our role to say whether a financial business has breached equality law by discriminating against a customer on the basis of a protected characteristic, but we can consider whether a customer has been treated fairly. I've taken the Equality Act 2010 into account when considering this part of the complaint – given that it's relevant law – but I'll ultimately make my determination on the basis of what's fair and reasonable. If Mr K wants a legal finding to be made about whether Equifax breached the Equality Act 2010, then he would need to go to court.

Mr K has mentioned during the course of the complaint he's been discriminated against due to his sex – citing one specific example where Equifax said they can't add aliases to their reports. He said that was discrimination.

As I've said above, I can't decide that, I can only look at the impact on Mr K. Here, I can see Equifax said he could add a note of correction. Both the adding of aliases, and notice of corrections, are available for lenders to see – so, I don't think Mr K has been impacted by this himself and think Equifax offered a fair resolution.

Mr K has also referred to Equifax's communication with him, suggesting communicating was sent by one party, which were actually being written by people who were discriminating against him. But, I've not seen any evidence information was written by someone else to hide who the original author was.

Equifax have accepted that they provided Mr K with poor customer service. Mr K believes that what Equifax have done goes beyond poor customer service. He's felt discriminated against. I can understand why Mr K feels this way, and I do think Equifax haven't quite grasped how their actions have made Mr K feel. So, in line with what I've said above, I'm going to set out the fair way to resolve matters in the following section.

Summary

I don't think Equifax have acted unfairly in the method of communication they've used with Mr K. But I do think their customer service has been poor on multiple occasions.

I've listed out the thoughts I've had on all of these issues above, and I think these have had a significant impact on Mr K. By the time of the last call on 28 July 2020 he sounds deflated and despondent at Equifax's inability to do what they said they would. I think the £300 recommended by our Investigator is a fair way to compensate Mr K for the frustrations he's experienced.

My final decision

For the reasons I've explained above, I uphold this complaint and require Equifax Limited to pay Mr K £300 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr K to accept or reject my decision before 22 April 2022.

Jon Pearce
Ombudsman