

## **The complaint**

Mrs H complains about the way Arrow Global Limited and its agents have treated her in relation to a debt it says was purchased in her name. Mrs H also complains Arrow hasn't sent proof it now owns the debt in question and that it failed to respond to a Data Subject Access Request (DSAR).

## **What happened**

The background to this complaint and my initial conclusions were set out in my provisional decision. I said:

*Arrow says it purchased a credit card debt in Mrs H's name in the summer of 2019. Arrow sent Mrs H a Notice of Assignment to confirm it now owned the debt and had instructed its agent (N) to contact her to make repayments. Payments Mrs H made to the previous debt owner were forwarded to Arrow until September 2019.*

*N took steps to contact Mrs H about the debt and request payments. In January 2020 Mrs H contacted N and explained she was vulnerable due to serious health problems and asked it to return the debt to the creditor. Mrs H also sent a DSAR and request for evidence (including the Deed of Assignment) to show Arrow was the legal owner of the debt.*

*Mrs H went on to raise a complaint about N's actions and said it was harassing her for payments. N issued a final response to Mrs H but didn't agree its contact amounted to harassment.*

*A complaint was raised directly with Arrow as well. Mrs H explained she hadn't received a response to the DSAR she raised and that no Deed of Assignment had been supplied. Mrs H complained that N was harassing her for repayment despite being aware of her health problems and vulnerability.*

*Arrow issued a final response but didn't agree it had acted unfairly. Arrow said it didn't have to send a copy of the Deed of Assignment but had sent a Notice of Assignment which set out the new arrangements. Arrow didn't agree N had harassed Mrs H for payment and asked for evidence of her health conditions.*

*Mrs H referred her complaint to this service and it was passed to an investigator. They thought Arrow had dealt with Mrs H's complaint fairly and didn't ask it to do anything else. The investigator also said they weren't looking at N's actions as part of Mrs H's case. Mrs H asked to appeal and said no debt had been taken out with either Arrow or its agent, N. As Mrs H asked to appeal, her complaint has been passed to me to make a decision.*

## **What I've provisionally 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 taken the step of issuing a provisional decision in this case as I've reached my conclusions on a different basis to the investigator. As a result, I want to give both parties the opportunity to respond with any further comments or information they want me to consider before I make my final decision.*

*Mrs H and her representative have asked why the investigator didn't look at both Arrow and N's actions as part of their review. Sometimes, we'll separate cases where more than one business is involved. But, in Mrs H's case, I agree the right approach is to consider both the actions of Arrow and N. Mrs H says N has harassed her for payment. As N was acting on Arrow's instruction when contacting Mrs H, I agree that forms part of this complaint and will cover the issues raised in this decision.*

*Mrs H has complained that no Deed of Assignment has been provided. Arrow's final response says that's a confidential document and declined to supply Mrs H with a copy. I can see Arrow sent Mrs H a Notice of Assignment which set out the new ownership arrangement when it purchased her debt. I can see Mrs H's complaint submission raises various rules and legislation and says Arrow is obliged to provide a copy of the Deed of Assignment. But the regulations set out by the Financial Conduct Authority under CONC 6.5 say a business has to arrange for notice of assignment to be given to the borrower when a debt is transferred or sold. It doesn't say a Deed of Assignment has to be sent.*

*I also think it's reasonable to note we consider complaints on a fair and reasonable basis. In this case, Arrow says it acquired Mrs H's debt in 2019 and it's provided a copy of the Notice of Assignment it sent to confirm that. Arrow has also sent evidence to show the original lender forwarded payments Mrs H made towards the balance to it after the debt was sold. In my view, the information available shows Arrow did purchase Mrs H's debt in 2019 as it claims. As I'm satisfied Arrow purchased the debt, I think it's fair for it to contact Mrs H to ask for repayment.*

*Mrs H has given Arrow very personal information about her health and explained she's vulnerable. I understand how distressing it must be for Mrs H. But I don't think Arrow's treated her unfairly by asking for evidence to support what she told it. As a third party, I think it's reasonable for a business to verify the information provided if it needs to change the way it treats a customer. Should Mrs H forward the requested information to Arrow, I'd expect it to ensure her circumstances are taken into account.*

*I've reviewed both Arrow and N's file and considered the contact made with Mrs H. I don't doubt Mrs H has found the contact distressing. But, as I've said above, I'm satisfied Arrow has a legitimate reason to contact Mrs H. Whilst I can see letters have been sent and phone calls made, I haven't found Mrs H was treated unfairly. I understand Mrs H feels Arrow has harassed her, but I think the level of contact has been reasonable overall.*

*Mrs H raised a DSAR but says Arrow failed to comply with it. But Arrow says it responded to Mrs H's DSAR and asked her to verify the request before it could be completed. No further contact from Mrs H was received so the DSAR wasn't carried out. As Arrow didn't receive the necessary authority to issue the DSAR I think its decision not to proceed was fair. Should Mrs H wish to raise another, she has the option of contacting Arrow directly.*

*I'm sorry to disappoint Mrs H but I'm satisfied Arrow has dealt with her complaint fairly. As I've said above, I'm satisfied I can look at the actions of N under this complaint Arrow. Having done so, I haven't been persuaded to uphold Mrs H's complaint.*

*I invited both parties to respond with any new comments or information they wanted me to consider before making my final decision. We didn't hear back from either party.*

### **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.

As neither party responded with new information, I see no reason to change the conclusions I reached in my provisional decision. I still don't think Mrs H's complaint should be upheld, for the same reasons.

### **My final decision**

My decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H to accept or reject my decision before 27 April 2022.

Marco Manente  
**Ombudsman**