

## **The complaint**

Mr W is unhappy about Equifax Limited reporting his personal information on his brother's credit report.

Mr W is represented in his complaint by a firm of solicitors.

## **What happened**

In mid-2021, Mr W became aware that his data had mistakenly appeared on his brother's Equifax credit report. Mr W's solicitors sent Equifax a detailed letter of claim alleging various causes of action and seeking damages.

Equifax responded to Mr W's letter and explained why it thought his claims wouldn't succeed. Equifax told Mr W that he could approach this service for free to try and resolve his complaint.

Mr W wasn't happy with Equifax's response so brought his concerns to this service.

The investigator thought that although Equifax had promptly dealt with the data issue, the reporting of information on his brother's credit file was embarrassing and upsetting for Mr W. She thought it reasonable that Equifax pay Mr W £150 compensation and Equifax agreed.

Mr W doesn't think the compensation is high enough. Through his solicitor Mr W thinks £500 in damages plus legal costs is more appropriate.

As Mr W doesn't agree with the proposed outcome, the complaint has come to me to make a decision.

## **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 should first say we can only consider how Mr W has been affected by Equifax's mistake and not his brother.

We offer an informal and impartial dispute resolution service as an alternative to court. Although Mr W instructed solicitors to deal with his complaint, this was his choice, so I don't make any award to cover his legal costs.

Equifax has explained that the data appeared on Mr W's brother's credit file because they share some of the same details including surname and date of birth. Equifax has now corrected the mistake by loading a notice of disassociation. As far as I'm aware, Mr W's data is no longer showing on his brother's Equifax credit report. I hope that this goes some way to reassuring Mr W.

When we look at complaints, we look to see if a consumer has lost out financially due to the businesses' mistake. If they have, we will try and put the consumer back in the position they

would've been in had the mistake not happened. In Mr W's case, he's not given this service any evidence to show that he incurred any financial loss as a direct result of Equifax's data-matching problem. However, Mr W has told us that the mistake did cause him distress and inconvenience, so I've taken account of this.

Mr W says that his brother told him about his personal data appearing on his credit report. Mr W's brother was unhappy as this impacted on his mortgage application. I can understand that this was all upsetting and embarrassing for Mr W – particularly as he says that he and his brother don't have a very good relationship. But taking everything into consideration, I consider the investigator's recommendation to pay £150 is fair and reasonable - particularly as Equifax seems to have promptly resolved the data problem for Mr W's brother.

The investigator also mentioned the possibility of Mr W using Cifas, the UK's fraud prevention community, to monitor the use of his data in the future. Although it didn't form part of the investigator's recommendation, I consider it fair to require Equifax to bear the cost of Mr W's first application for protective registration if he decides to sign up.

I realise that Mr W has concerns about the severity of the data breaches and thinks a higher amount of compensation is warranted. But this service isn't a regulator so we don't punish businesses for their mistakes. It would be for the regulator to consider matters further if Mr W remains unhappy with the situation.

### **Putting things right**

To put things right, Equifax Limited should take the following steps:

- Pay Mr W £150; and
- If Mr W decides to apply for protective registration with Cifas, Equifax should reimburse the cost of his first application.

### **My final decision**

My decision is that I uphold this complaint. In full and final settlement, I require Equifax limited to take the steps outlined above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 16 June 2022.

Gemma Bowen  
**Ombudsman**