

The complaint

Mr P complains that NewDay Ltd accepted an application for a marbles credit card which he doesn't remember applying for. Mr P is also unhappy that NewDay Ltd didn't call him before making its decision to hold him liable and then didn't send him any information under his Data Subject Access Request (DSAR).

What happened

Our investigator didn't think the complaint should be upheld. He said NewDay had provided sufficient evidence of Mr P's contact details and payments made from his current account that showed it was Mr P who likely took out the credit card. The investigator said NewDay didn't have to call Mr P before making its decision and that this service had already reviewed the service Mr P received from NewDay in relation to his DSAR in a separate complaint. But if he wasn't happy with the e-mail and information he received then he could contact the Information Commissioner's Office (ICO).

Mr P disagreed and has asked for an Ombudsman's decision. He said he didn't understand why he was found liable for the debt and NewDay hadn't provided the information to show that it was him who took out the card.

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 so, I've reached the same conclusion as our investigator. And for largely the same reasons. I know Mr P feels strongly about this complaint and this will come as a disappointment to her, so I'll explain why.

I've read and considered the whole file. But I'll concentrate my comments on what I think is relevant. If I don't mention any specific point, it's not because I've failed to take it on board and think about it, but because I don't think I need to comment on it to reach what I think is a fair and reasonable outcome.

Mr P says that he can't remember taking out this credit card with NewDay and if it can provide evidence he took the card out then he will be happy to pay it.

NewDay has explained and provided evidence to show why it was satisfied it was Mr P who took out the card. It's checked the address and contact details with the other card Mr P took out (which Mr P has confirmed is a legitimate account) and said he was making payments towards the account from his current account.

I've also seen the payments made towards the card from Mr P's current account from July 2017 and June 2018. The payments were quite large ranging from £30 to £346. There are also call notes of discussions NewDay had with Mr P around the time of the above payments where he was explaining he was struggling to make them and hadn't received a replacement card. The call notes mention that a £150 payment had just been made to the account and

this is supported by the date and payment made from Mr P's current account that month. So, I don't think NewDay unfairly decided that Mr P was liable for the credit card and the outstanding debt here.

Mr P is also unhappy he wasn't called before a decision was made and that information about this account wasn't sent under a DSAR he made. As the investigator explained, this service dealt with a separate complaint about the service Mr P received when he made a DSAR to NewDay so I can't consider that here. If Mr P is unhappy with the information he was sent then he should contact the ICO. And I don't think NewDay had to call Mr P to make him aware of its decision once it was satisfied with the investigation it had completed. I can see it sent this in writing to the correct address, so I don't think NewDay treated Mr P unfairly here.

As a result, I don't think New Day has unreasonably held Mr P liable for the credit card.

My final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr P to accept or reject my decision before 13 September 2022.

Mark Dobson
Ombudsman