

The complaint

Ms W complains that Clear Score Technology Limited (Clear Score) allowed a third party to access her data.

What happened

On 5 June 2021 Miss W tried to access her credit report using Clear Score, but as she found their identification process intrusive, she aborted the attempt. The following day she changed her mind and decided to register with Clear Score. On completing the sign up process a message on the website told her that she couldn't access her report as there was another account already set up in her name. It asked her for other email addresses that she may have used to set this up.

She raised the issue with Clear Score who initially told her the other account was set up on 5 June 2021 – her aborted attempt from the day before. To look into this further Clear Score asked Miss W to identify herself by providing a copy of her passport or driving license and a selfie. Miss W didn't want to provide this and was unhappy that Clear Score had gone ahead and set up an account when she had aborted the process, so she complained. After some back and forth between Miss W and Clear Score it was realised that this was a mistake, and the other account was not set up on 5 June 2021 as Clear Score had said. It was an account that had been set up on 4 September 2017 in Miss W's name, with a different email address. Miss W confirmed she had never set up an account previously. Clear Score would not allow Miss W access to her credit report without being able to verify her identity, and both accounts were blocked.

Miss W was unhappy and complained to Clear Score the main points of the complaint were:

- They had allowed a third-party access to her details
- They had retained information from her aborted registration on 5 June 2021 without her consent
- They were trying to force her into providing copies of her identification documents

Clear Score responded to Miss W over a number of emails as there was lots of back and forth between them. But in summary it said:

- The account that had been set up on 5 September 2017, had been set up using her details by someone who had been able to give over enough personal information to verify themselves, including name, date of birth and 3 years of address history. They then correctly answered a series of security questions relating to Miss W's financial history before being able to set up the account. It offered to file details of the impersonation to a national fraud database. And offered to provide the IP address and email address to Action Fraud to help with any police investigation.
- If Miss W wanted her information deleted, she could make a "right to be forgotten" request for all her information to be deleted and it would do so.

- It required her identity to be able to make sure that it was now dealing with the correct person in relation to Miss W's information.

Miss W was unhappy with this and brought her complaint to this service. She included further points when bringing the complaint to us, I've summarised these below in my own words:

- She thought Clear Score suggesting she make a "right to be forgotten" request was an attempt for it to cover up the fraud as that account would also be deleted.
- Clear Score had not been accurate in all of its responses and had been obstructive in providing information about the 2017 account
- She felt she was due compensation of £15,244 broken down as:
 - £6,500 for allowing a fraudster access to her credit file
 - £3,312 (46x £72) for Clear Score accessing her data without her consent and profiting from it
 - £2,500 for storing the data she entered into Clear Score's website on 5 June 2021
 - £400 for attempting to obtain copies of her identification as well as a selfie under false pretences
 - £800 for inconvenience as she couldn't access her account
 - £1,200 for distress caused
 - £532 (28x£19) for time spent dealing with the matter

Our investigator didn't think this was a complaint that should be upheld. In summary he said:

The Information Commissioner's Office (ICO) would be responsible for considering if Clear Score had breached any data protection legislation with regards to disclosing, deleting, processing and retaining information.

He didn't think it was unreasonable for Clear Score to have held onto Miss W's data from her aborted application on 5 June 2021 as she likely agreed to the privacy condition near the start of the application, which said:

"You authorise and instruct Clear Score to retrieve and process information held about you by credit reference agencies, for the purpose of providing you with our services."

From the information he had on file, it was likely that Clear Score had carried out reasonable and proportionate checks to verify the identity of the person who set up the account in September 2017. And while it seems likely that a third-party has accessed Miss W's data, he didn't think Clear Score had acted unreasonably in allowing this as they believed it to be her at the time. Any impact this has caused was caused by the third-party and so he couldn't hold Clear Score responsible.

He didn't think it was unreasonable for Clear Score to ask for identification along with a selfie so it could be sure it was dealing with the right person. Or for them to refuse

Miss W access or continue to block both the 2017 and the 2021 account, when she refused to provide this, as it was trying to stop a potential fraudster accessing the account.

He didn't think Clear Score had to provide Miss W with the full details of what had happened as it hadn't been able to verify that she was the correct person as she had refused to provide it with the identification it had requested.

He didn't think, when Clear Score suggested Miss W could make a right to be forgotten request that it was trying to cover up any fraud or that it wanted to delete information relating to the 2017 account. But that it was trying to be helpful as she was unhappy that her data was being held by it.

Miss W didn't agree with the investigator's findings, she didn't give any reasons other than the outcome was unacceptable. The matter has now 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.

Although a number of issues have been raised, this decision only addresses those issues I consider to be materially relevant to this complaint. However, I've read and taken into account all of the information provided by both parties, in reaching my decision. 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 it's relevant to the crux of the complaint. And having considered everything, I have to tell Miss W that I've reached the same outcome as the investigator and for broadly the same reasons. I'll explain.

Before I do I think I should explain that data retention is something the ICO is responsible for and isn't something that falls under the jurisdiction of the Financial Ombudsman Service. So I haven't considered how or why Clear Score has stored Miss W's information as part of this complaint.

My role here is to decide if Clear Score did something wrong when it allowed the 2017 account to be set up, and what its actions were once it became aware that there was a potential fraud. To determine that I have looked at if it has followed its own internal procedures properly and if it has treated Miss W fairly and in line with how it would treat all of its other customers.

Having said that I do recognise that the existence of the 2017 account must have been shocking for Miss W and that it would have caused her to worry knowing that somebody else had been able to access to her data. So, I do understand her concerns.

2017 Account

Clear Score has told us that when the 2017 account was set up the user provided Miss W's personal details including her name, date of birth and address history, dating back three years. They were then asked the following three questions:

- Who is your mortgage provider?
- How long was the initial term?

- Who bills you for your mobile phone or cable service?

They were able to answer these questions correctly, there were no other questions, and they didn't get any questions wrong. Clear Score has told us that they don't have access to the answers that were provided as they are held by the credit reference agency that Clear Score uses to gather its data. It has said though, that it would be able to request these if they are part of a police or legal investigation. So, if Miss W has reported this account to the police, she may want to let them know so they can add this to their investigation.

I believe the checks Clear Score carried out to be reasonable and proportionate and in line with the checks they do on all their customers, so I don't think there was any reason for it to think it was dealing with anyone other than Miss W when the account was being set up. As such I cannot say it did anything wrong in allowing the account to be set up.

I understand that it's not ideal that the account was set up by someone impersonating Miss W or that her data was accessed, but hopefully it will bring her some comfort to know Clear Score has confirmed the account has not been accessed since 13 September 2017, nine days after it was created. And it was permanently blocked on 8 June 2021.

2021 Account

There is no dispute between the parties that initially when Miss W couldn't access her report Clear Score gave her inaccurate information. It said there was another account – which was true. But it said it had been created the day before – this wasn't correct, the other account was the 2017 one. Clear Score apologised for this, and I think that reasonable in the circumstances.

I can see that Clear Score asked Miss W if she may have ever set up a Clear Score account with another email address. Miss W thinks this was an attempt to get other email addresses from her. But I don't agree, I think this is a reasonable question for it to ask as its possible a customer may have done that and forgotten. So, I think its sensible to eliminate this possibility before jumping to the next step. Which is to ask to see a formal identification document and for the person to send a selfie at the same time to ensure they are the person they are claiming to be.

In Miss W's case she didn't want to provide the identification and selfie required and so Clear Score wouldn't allow her to access her credit report. In the circumstances I think this was a reasonable step for it to take, as at this point it didn't know if Miss W was who she said she was. It could have been possible that she was the impersonator, and the 2017 user was actually Miss W. So as there was uncertainty it had a duty to block access to both accounts and protect the data contained in them. Miss W is quite within her rights to make this choice, but for as long as she does, I can't say Clear Score is being unreasonable in not allowing her access to the data contained in her file.

Following on from that and for the same reasons I don't think Clear Score has to provide her with information about what happened with the 2017 account. I has said it will provide information to the police on request and I think that's fair enough.

Right to be forgotten

When Miss W told Clear Score she wanted information deleted, it suggested that she make a right to be forgotten request. Miss W believes this was an attempt for it to delete data relating to the 2017 account and hide the fraud. But I've not seen anything to support that, in fact the offer from Clear Score to request more information from the credit reference agency and to support any police or legal investigation suggests the opposite. So, I consider this

suggestion was, as Clear Score has said, offered to help Miss W as she was unhappy that her data was being stored by it.

Overall, I'm satisfied that Clear Score has treated Miss W fairly when dealing with the issues relating to both the 2017 and the 2021 account and so I won't be asking it to do anything different here.

I know Miss W will be disappointed with this outcome. But my decision ends what we – in trying to resolve her dispute with Clear Score can do for her.

My final decision

For the reasons set out above, my final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms W to accept or reject my decision before 6 October 2022.

Amber Mortimer
Ombudsman