

## The complaint

Mr A has complained that Experian Limited mixed up his credit file data with his sibling's.

## What happened

Both sides are most familiar with the case, so I'll summarise things in brief.

In 2021, Mr A discovered that he and his sibling's credit file data had been mixed up.

Experian apologised and sent Mr A £50 compensation by cheque. Experian tried to remove the incorrect data, but some remained. They sent Mr A a complementary copy of his credit file, but accidentally sent it to his sibling's address.

Our investigator looked into things independently and upheld the complaint. They proposed that Experian pay a further £150 compensation, to bring the total to £200.

Mr A didn't agree. He'd found that Experian had since added more of his sibling's data to his file. He felt that £500 compensation would be fair. He asked for an ombudsman to review things afresh, so the complaint's been passed to me to decide.

I sent Mr A and Experian a provisional decision on 14 September 2022, to explain why I thought the complaint should be upheld. In that decision, I said:

*First, I should clarify that in this decision I can only consider what Experian did, and I can only make directions for Experian. So I cannot consider what other businesses such as CheckMyFile or Equifax did in this decision about Experian.*

*It looks like Experian's system mixed up Mr A and his sibling because their details are so similar. For example, they share the same first name and last name, they share address history data, and their dates of birth are almost exactly the same. So it's unsurprising that the system might struggle to separate them – it sounds like other companies have had similar problems. It looks like it's difficult to distinguish their data without their middle names.*

*Of course, that's not Mr A's fault, and he has every right to feel distressed about it and to try to get it fixed. Experian have admitted that the issue was on their own end.*

*I'm glad that Experian initially acted quickly to try to correct Mr A's file. But even after that, errors remained – for example, some of the sibling's search data was still on the updated file. And those errors seem to have compounded, as more of the sibling's data is showing on Mr A's file now. That needs to be fixed, if it has not been in the meantime.*

*It follows that I plan to direct Experian to correct Mr A's file, using whatever reasonable measures as are necessary. For example, they may need to contact Mr A and his sibling's lenders to make sure they're reporting the middle names, to help distinguish the two.*

*I appreciate why Experian may argue that the latest errors constitute a new complaint, not least as they took place after the final response and after the case came to us. That's not an unreasonable way of looking at things, and I can see our investigator also thought we might have to set up a separate complaint. However, since it turns out that Experian never fully resolved the initial error, I consider all the incorrect data to be a continuation of the same issue. And it doesn't seem like a good use of time to set up a new case at this late stage.*

*I also appreciate that Mr A would like a guarantee that this won't ever happen again. But businesses are run by people, and people sometimes make mistakes. I cannot guarantee that Experian will never make a similar mistake ever again.*

*To help stop this from happening again, Mr A and his sibling could contact their creditors and tell them to make sure they're reporting their middle names on their credit file entries. They should then make sure to include their middle names when applying for new accounts in future. That will help distinguish them from each other. In addition, Mr A could add a notice of correction to his file, warning creditors to make sure that they are distinguishing his data from his sibling's. And of course, if this does happen again after this case is resolved, Mr A can get back in touch with our service for help as a separate complaint to this one.*

*I appreciate that Experian were trying to help by sending Mr A a complementary copy of his credit file. Unfortunately, it caused further distress when they sent it to the wrong address. It looks like that happened because the file was sent manually, and a staff member got the addresses mixed up.*

*So Experian have got things wrong here, despite their attempts to help. In terms of putting things right, I do understand why Mr A would like an apology from Experian. The problem is that if I were to tell Experian to apologise, their apology would seem forced rather than genuine – they'd be saying sorry because I told them to. Further, I can see that Experian have already apologised more than once, and that clearly has not repaired their relationship with Mr A. So I don't think another apology is likely to help.*

*Instead, we often tell businesses to pay compensation, to recognise what they got wrong and the impact it had. When it comes to the amounts, it's worth bearing in mind that we're here to resolve complaints informally, and not to punish businesses. We're also not a regulator and we don't issue fines. And while I appreciate that Mr A is worried about potential future repercussions, we only award compensation for things which have actually happened – rather than for things which could have happened or could potentially happen one day, but haven't actually happened.*

*I've first considered Mr A's financial losses – for example, whether he was turned down for credit because of this issue. Thankfully, from Mr A's history, it doesn't look like any lenders have been looking at his file while the incorrect information's been on there, and I can't see that he's been turned down for any applications or anything like that. So as far as I can see, this hasn't had any significant financial impact for Mr A.*

*However, I've then considered Mr A's non-financial losses. It looks like he was caused some considerable trouble and upset over a significantly lengthy period. It's taken far too long to get this sorted out – we're now over a year on. And the continued nature of the problem has only added to Mr A's distress. I understand why he feels as he does.*

*We have guidelines about what levels of compensation to award. Taking everything into account, I think £500 total compensation would be fair to put things right here. I can see that Experian have already sent Mr A cheques for £50 and £150 respectively, which means they would need to send him a further £300 to bring the total to £500.*

I said I'd consider anything else anyone wanted to give me – so long as I received it by 12 October 2022. Experian agreed to the proposed redress. They said that they had now resolved the issue, and that they would pay the additional compensation and send Mr A a postal copy of his file if he accepted the final decision. Mr A was pleased we'd upheld his case, but he added some further comments, which I'll talk about below.

### **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.

Mr A said he hadn't yet received an accurate copy of his credit report. To clarify, that's why I'm directing Experian to send him a copy once his file is fixed. They will have to do this if Mr A accepts this final decision. He can also apply for a free statutory copy online.

Mr A also felt he shouldn't have to clarify his details with his creditors. And I do understand where he's coming from. He doesn't *have* to do so, and I am directing Experian to fix his file themselves. But the fact remains that Mr A's details are so unusually similar to his sibling's that it can make it difficult for automated systems to distinguish them – not just Experian's systems, but other companies too. So it really will help if Mr A and his sibling make sure that their creditors are reporting their middle names. And it's only right that I advise him of this option, to help him stop this from happening again with other companies, not just Experian.

Mr A pointed out that Experian hadn't just mixed things up, they'd committed a data breach. Again, I understand where he's coming from. I should explain that we are not the regulator – it's the Information Commissioner's Office (ICO for short) who regulate data issues and data breaches. So we're not here to issue fines or to punish businesses for data breaches. We're here to resolve individual complaints, based on the impact the business' error had on the particular customer in their particular situation.

In this complaint, I've found that Experian have not caused Mr A any significant financial losses, but they have caused him some considerable trouble and upset over a lengthy period. So to put that right, I've found that £500 compensation would be fair – which is in line both with our guidelines for compensation and with what Mr A himself had said was fair. To clarify, the £500 is a total amount. I understand that Experian have already paid Mr A £200 (one payment of £50, one of £150), so if that's the case then they would need to pay him a further £300 to bring the total to £500.

So having reconsidered the case, I've come to the same conclusions as the ones set out in my provisional decision above.

### **Putting things right**

I direct Experian Limited to:

- Take the necessary reasonable measures to correct Mr A's file, removing any erroneous information of his sibling's, if this has not already been done;
- Provide Mr A with a copy of his corrected file once fixed; and-
- Pay Mr A £500 compensation in total.

### **My final decision**

I uphold Mr A's complaint, and direct Experian Limited to put things right in the way I've set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 14 November 2022.

Adam Charles  
**Ombudsman**