

## The complaint

Mr P complains that Experian Limited merged his brother's data with his credit file. Mr P also complains about a hard credit search he didn't consent to being recorded on his Experian credit file. Mr P further complains that Experian failed to respond when he initially contacted it about issues with his credit file.

## What happened

In 2017 Mr P referred another complaint to this service that related to details of his brother's credit being recorded on his credit file. An ombudsman issued a final decision and upheld Mr P's complaint.

Mr P's told us that in April 2022 he found a hard credit search noted on his credit file for a business 'I'll call V'. Mr P's explained he didn't consent to the credit search and tried to contact Experian to have it removed. But Mr P says that despite chasing Experian, no response was received.

In August 2022 Mr P found information from his brother's credit file showing on his report. Mr P's explained that he was looking to remortgage around this time but the process was delayed while he contacted Experian to correct his credit file. Mr P's told us his remortgage completed in October 2022. Mr P complained to Experian and it sent him a final response in late September 2022.

Experian's final response noted Mr P had given consent to V to carry out a credit search in September 2021 but not in January 2022. Experian apologised that the agent Mr P spoke with failed to offer to dispute the credit search with V. But Experian said that in May 2022 V had taken the step of removing the additional credit search from his credit file.

Experian also said Mr P's brother's information had been incorrectly linked to his credit file due to similarities between their personal details. Experian completed a process called "disassociation" which removed Mr P's brother's information from his credit file. Experian also refunded a £14.99 membership fee and sent Mr P a cheque for £150 to apologise for the issues raised.

Mr P referred his complaint to this service and it was passed to an investigator. Within its file submission, Experian said it wanted to offer Mr P a further £50. But our investigator thought an additional payment of £150, taking the total compensation for the distress and inconvenience caused to £300, was a fairer way to resolve Mr P's complaint.

Experian didn't agree that the additional compensation was fair. Mr P didn't agree either. Mr P said the delay with his remortgage had led to a higher interest rate at a cost of around £86 a month. Mr P also gave personal information about his health and how the issues raised have impacted him and said he feels the level of compensation offered should be higher. As neither party accepted the investigator's view, Mr P's case has been passed 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'm aware I've summarised the events surrounding this complaint in less detail than the parties involved. No discourtesy is intended by my approach which reflects the informal nature of this service. I want to assure all parties I've read and considered everything on file. I'm satisfied I don't need to comment on every point raised to fairly reach my decision. And if I don't comment on something, it's not because I haven't considered it. It's because I've focused on what I think are the key issues. My approach is in line with the rules we operate under.

Mr P's raised concerns about V's credit search. Experian's final response noted Mr P consented to an earlier credit search but not the one V completed in January 2022. Experian also said its agent should've offered to dispute the search with V when Mr P contacted it. However, V went on to remove the credit search without contact from Experian in May 2022. When Mr P contacted Experian, it should've offered to contact V and raise a dispute concerning the hard search recorded. Experian's final response apologised that its agent failed to offer to dispute the credit search on his behalf. But Mr P made contact directly and was able to get V to remove its fault. I've taken Mr P's comments into account when deciding how to fairly resolve his complaint.

Experian's explained that due to similarities between Mr P's personal information and his brother's, details were incorrectly recorded on his credit file. Mr P complained to Experian around the time he was applying for a remortgage. Experian's final response from late September 2022 explained how the issue came about and that Mr P's brother's information had been removed from his credit file. Experian also said that steps had been taken to ensure the information wouldn't show again. Experian has provided a copy of Mr P's amended credit file that shows the disputed data has been removed. And Mr P confirmed his remortgage was able to complete in October 2022.

I can understand why Mr P is upset his brother's information was recorded on his credit file. Especially as the issue has occurred in the past. Mr P's provided an email from his mortgage broker that shows he was looking to take out a new mortgage during this period. And Mr P's explained that ensuring his credit file was correct caused unreasonable delays that impacted the interest rate he was able to take.

We have access to trade press that shows the mortgage products offered across the market – including the lender Mr P used (C). The information I've seen shows C's mortgage products didn't change during the period Mr P asked Experian to remove his brother's information from his credit file. So whilst I understand why Mr P is upset at having someone else's information on his credit file, it doesn't appear to have impacted the mortgage interest rate.

I've looked at how the issues raised have impacted Mr P. Mr P's given us lots of information about his health and how the problems he experienced were affected. I want to assure Mr P I've noted everything he's told us and taken us into account, including how the issues raised impacted his health. As I've said above, I agree that Experian ought to have raised a dispute with V when Mr P contacted it about the credit search he found. I can understand why having Mr P's brother's information on his credit file caused so much concern for Mr P. I'm satisfied that Mr P makes a reasonable point when he says the addition of his brother's information caused delays with his mortgage application as he wanted to ensure his credit file was correct before proceeding.

Taking everything Mr P has told us about his circumstances, health and the level of frustration caused, I agree that £150 doesn't fairly reflect the level of distress and inconvenience caused. I've considered how to fairly resolve Mr P's complaint. Our investigator recommended an increase in the settlement from £150 to £300. I agree with the investigator that, in addition to the £14.99 refund Experian issued, £300 fairly reflects the impact of the issues raised on Mr P and the level of trouble and upset caused. I've noted Mr P's comments, but I haven't been persuaded there are grounds to increase the award further.

### **My final decision**

My decision is that I uphold Mr P's complaint and direct Experian Limited to settle as follows:

- In addition to the £14.99 refund, Experian should pay Mr P a total of £300 (less any compensation already paid)

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr P to accept or reject my decision before 13 April 2023.

Marco Manente  
**Ombudsman**