

The complaint

Mr C complains that TransUnion International UK Limited, trading as TransUnion was reporting incorrect and out of date information about him on his credit file.

What happened

I issued my Provisional Decision to both parties on 3 March 2023 which set out the background to this complaint, and my provisional findings. My Provisional Decision said:

On 24 June 2022 Mr C says he noticed several errors with his TransUnion credit file. He noted that late payments from November 2016 relating to an account with Company M were showing; that there were hard searches by Company T on his credit file, despite not having applied for any products or services from Company T; his address history was being reported beyond six years; and there was a financial association that had dissolved almost 20 years ago, but this was still showing on his credit file.

On 24 June 2022 Mr C raised these concerns with TransUnion in the form of a complaint. TransUnion acknowledged Mr C's e-mail on 27 June 2022 and on 23 August 2022 issued him with their final response on the matter.

In their final response, TransUnion apologised to Mr C for not raising the data disputes in June 2022 when he first made them aware of the issues, and they let him know the disputes had now been raised as a priority. TransUnion's final response email explained their data team would investigate and contact Mr C upon the resolution of his disputes. (The disputes were raised on 23 August 2022, and appear to have been mostly resolved by the time our Investigator issued their findings on 11 October 2022).

Mr C was disappointed with TransUnion's response and their delays in sorting things out, so he brought his complaint to our service on 19 September 2022.

Our Investigator reviewed the complaint. They concluded Mr C's complaint should be upheld due to the trouble and upset caused to Mr C by TransUnion not raising Mr C's disputes when they ought reasonably to have done. The Investigator said TransUnion needed to pay Mr C £100 to reflect this.

The Investigator also explained TransUnion was not generally responsible for the data it holds, as that rests with the firms providing the information to them. And that financial associations and linked addresses usually remained until the individual notified the relevant credit reference agency (CRA) to remove them. The Investigator was able to note in their view that the financial association had been removed, the searches from Company T had been suppressed and that Company M had told TransUnion the information being reported for Mr C was correct, so it was still in place. However, as it didn't appear anything had been actioned in relation to Mr C's address history beyond six years, the Investigator also said this should be updated.

Mr C strongly disagreed. He did not think the £100 was enough to recognise the upset caused to him, particularly in relation to seeing the financial association still on his credit file.

And Mr C said he had never heard back from TransUnion as to what had happened with the disputes raised with Company T and Company M. Mr C also noted the historic addresses had not been deleted.

TransUnion responded to say that addresses were not subject to usual removal rules, and links to old addresses typically remained indefinitely, potentially being useful for services such as asset reunification.

Our Investigator reviewed the responses, but did not alter their conclusions. The Investigator reminded TransUnion of a customer's 'right to erasure' – so they said TransUnion should remove the historic addresses at Mr C's request. The Investigator also shared with Mr C the responses to the disputes raised about Company T and Company M.

Mr C remained unhappy. He reiterated that TransUnion should have engaged and responded with him about the disputes that were raised. Mr C also felt strongly that it was wrong to keep information about historic addresses on a credit file, saying there was no lawful justification for the retention of such historical data beyond six years – noting other CRAs had not retained the information. In addition, Mr C felt it was an unfair defence to say that simply because he'd not requested information be deleted that it should therefore remain on his credit file. And Mr C reiterated the emotional upset of seeing his former partner's financial association on his credit file.

TransUnion engaged with the Investigator to confirm which address links Mr C was disputing and said they would need to investigate them to see if they could be removed. Our Investigator responded to say that Mr C wished all addresses beyond six years to be removed, and suggested TransUnion engage with Mr C directly about this.

As a resolution could not be reached, the matter has come to me to decide.

What I've provisionally 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've carefully considered all the submissions from both parties, and having done so I have reached the same outcome as our Investigator for broadly the same reasons. However, as there are some differences, I have set out my provisional findings for both parties to respond to with any further comments or evidence.

The parties should note that if I've not referenced or responded to a particular point, it is not because I've not reviewed and considered it, rather I have decided it does not form what I think is relevant to resolving this complaint.

Before I set out my findings, it may also help to explain that this service is an alternative dispute resolution set up to resolve individual complaints based on what is fair and reasonable in the circumstances of each case. Therefore, the Financial Ombudsman Service does not fine or punish businesses, or request that their processes or practices are changed, that is for the regulator to consider.

When deciding what is a fair and reasonable resolution to a complaint, the Financial Ombudsman Service will take into account any relevant law and regulations; regulators' rules, guidance and standards; codes of practice and (where appropriate) what is considered to have been good industry practice at the relevant time.

Mr C is unhappy that TransUnion were reporting information about him that was incorrect

and out of date.

CRA's hold and report information that is obtained from public sources, such as local authorities or the courts, and private sources such as banks and credit card companies. So CRA's are not necessarily responsible for all the information they are reporting on a credit file. It therefore means that if an individual believes something is being reported incorrectly they can report the issue with the CRA, who in turn will raise a dispute with the relevant business or organisation.

In Mr C's case he brought his concerns to TransUnion in June 2022 when he became aware of them. However, TransUnion did not raise the disputes at that time as they would've been expected to do. So I agree with our Investigator TransUnion caused a delay in investigating Mr C's concerns as they hadn't done what they should have done. Having reviewed the case, I think the award of £100 proposed by our Investigator to recognise the trouble and upset this caused to Mr C is fair in the circumstances.

I realise Mr C believes this award should be far greater to reflect the emotional distress this matter has caused him due to being reminded of his previous relationship because of the financial association.

While I can see how something of this nature can be particularly upsetting for someone, I am also mindful that to remove the financial association with the individual was something Mr C would have been required to do. And while, I do not say this to detract from the upset Mr C has described due to these events, Mr C's awareness of this association began in June 2022, so it is not something that I can say reasonably caused him any distress prior to this date. Mr C himself has also said he has not experienced any financial repercussions from the financial association. So for these reasons, and given the financial association has now been removed, I think the proposed £100 is fair in the circumstances to recognise the trouble and upset caused by TransUnion's delay in raising this and the other disputes.

Regarding the information being reported by Company M, I think TransUnion did all they would be expected to do in terms of raising this particular dispute. As Company M confirmed to TransUnion the information being reported about that account was correct, I would not expect TransUnion to change that information on Mr C's credit file. And I would not have expected TransUnion to know this information was in dispute unless it was brought to their attention. I understand Mr C is now pursuing this particular issue directly with Company M.

Similarly, I would not have expected TransUnion to be aware that the information about Company T was incorrect. And as this has now been removed following the dispute that was raised, I don't think there's anything further here for me to consider.

What therefore remains are Mr C's concerns about the historic linked addresses, and more recently TransUnion's failure to let him know what had happened with the disputes that were raised.

I have considered what Mr C has said about his address history being reported beyond six years, and my findings here differ slightly to those reached by the Investigator.

Historic addresses, or linked addresses, are something that the CRA's have responsibility for. Amongst other reasons, a linked address may be created when an account moves between addresses, such as when an individual has moved.

While much of the information which is reported on a credit file is held on the file for six years, a linked address may stay on a credit file for as long as the information is relevant for credit referencing purposes. So it is not as simple as saying that any address beyond six

years should automatically be removed from a credit file.

As our Investigator mentioned, individuals do have the 'right to erasure' – sometimes referred to as the 'right to be forgotten'. So it is possible for Mr C to request that his old addresses be removed if they are no longer necessary in relation to the purposes for which they were collected.

I can see that in reply to the Investigator's last opinion issued on 21 October 2022, TransUnion said they would investigate the links Mr C wished to be removed. TransUnion explained they would need to ensure no financial data is linked to any of the addresses in question and that it would be important for Mr C to understand the implications of removing any linked addresses.

Having reviewed this particular point, I cannot reasonably direct TransUnion to remove Mr C's addresses that are from more than six years ago, rather I think it's fair to say that TransUnion should engage with Mr C to determine what they can remove taking into account their various obligations to ensure they are reporting correctly for credit referencing purposes.

Lastly, I am mindful of Mr C's concerns that TransUnion did not update him when they should have done with regards to the outcomes of the disputes they raised on his behalf. There is an obligation on CRAs to provide updates on disputes raised. However, as it is a complaint point that has arisen during the course of this case, and it is therefore something that was not initially brought to this service to consider, under the rules this service follows I do not have the authority to consider Mr C's concerns on this point. Should Mr C wish to, he can raise this as a separate matter with TransUnion.

Overall, I think TransUnion could have raised the disputes about Mr C's concerns more promptly, and given the additional time this took for TransUnion to do this, I think the offer of £100 is fair in the circumstances for the reasons I've given above. TransUnion should also engage with Mr C to investigate the potential removal of any address links beyond six years.

My provisional decision

For the reasons above, my provisional decision is that Mr C's complaint is upheld in part.

TransUnion International UK Limited, trading as TransUnion should pay Mr C £100 and engage directly with Mr C regarding the potential removal of any address links that are longer than six years ago.

Responses to my Provisional Decision

Mr C replied to my provisional findings with disappointment as he noted that he had taken reasonable action when he became aware of the issues he raised with TransUnion, whereas TransUnion had not.

Mr C expressed his concern that TransUnion had kept him in the dark about the outcomes of the disputes raised, noting that he had only learned the outcomes through our Investigator. And he said TransUnion had still not engaged with him about the removal of the linked addresses beyond six years.

Lastly, Mr C disagreed that linked addresses could remain on record for more than six years, as he said credit referencing does not extend beyond six years, so there must be an end point for this data – particularly given that much of the information for him is wrong. Mr C

noted that some of his concerns on this point may be better suited to the Information Commissioner's Office (ICO).

TransUnion acknowledged receipt of my Provisional Decision, but offered no further comments or submissions.

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 have considered Mr C's additional submissions, and I do note his disappointment about the lack of engagement he has had from TransUnion. I realise this must be frustrating for him. As I set out in my Provisional Decision, I am limited to what I can consider here, and in this decision I've been able to look only at TransUnion's engagement with Mr C when he first raised his concerns with them. And for the reasons in my provisional findings, I said £100 was fair to recognise that TransUnion's actions could've been better when Mr C initially contacted them. I've seen nothing further to alter my conclusions on this point.

I can see Mr C still disagrees that linked addresses should not remain on record for more than six years, but I am mindful that the ICO does make reference that linked addresses may stay on a credit file as long as this information is relevant for credit referencing purposes. I've noted Mr C intends to approach the ICO directly about his concerns on this, and in the circumstances there is therefore nothing more for me to say on this point.

Taking everything into account, and having considered Mr C's additional submissions, I have not seen enough to alter the conclusions as set out in my provisional findings. That is, I think TransUnion could have raised the disputes for Mr C more promptly than they did, and in the circumstances £100 is reasonable to recognise the inconvenience and delay here. In the circumstances of this case, I am unable to direct TransUnion to remove any address links beyond six years, but I can say that TransUnion should engage directly with Mr C to fairly investigate the removal of any address links that are no longer required for credit referencing purposes.

Putting things right

TransUnion International UK Limited, trading as TransUnion should pay Mr C £100, and engage directly and fairly with Mr C regarding the potential removal of any address links that are longer than six years ago.

My final decision

For the reasons above, my Final Decision is that I uphold Mr C's complaint in part, and TransUnion International UK Limited, trading as TransUnion should put things right as I've described above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 19 April 2023.

Kristina Mathews
Ombudsman