

## **The complaint**

Mr G complains that Countrywide Principal Services Limited might have mis-sold a self-certified interest only mortgage to him. He says it hasn't provided documents and information to him despite a number of requests. He says as a first step he'd like a full copy of his mortgage file, including all correspondence, letters, forms, applications, decisions etc and any other information held about him.

## **What happened**

Mr G took mortgage advice from Countrywide in 2006 and it recommended an interest only mortgage. Mr G says this mortgage might not have been suitable for him and might have been mis-sold. He says he's been worried about maintaining payments, and if he'd taken out a repayment mortgage the balance would have reduced, he'd have paid less interest and he'd have been able to save money.

Mr G says he emailed Countrywide in mid-2022 asking it to provide his mortgage file and information it holds about him. He says he needs this to confirm he wasn't given appropriate advice. Mr G says Countrywide ignored him and then said it had no information about him.

We've explained to Mr G that our rules don't allow us to look into his complaint about the advice given when he took out the mortgage. That's because he raised this complaint in 2022, which is more than six years after the advice was given and more than three years after Mr G ought reasonably to have been aware he had a problem. Therefore, this part of Mr G's complaint was brought to us outside our time limits.

Our investigator looked into Mr G's complaint that Countrywide didn't respond to requests for a copy of his mortgage file in mid-2022. Countrywide said it no longer held any information about Mr G's mortgage, due to the time that had passed. Our investigator said Countrywide has a data retention and destruction policy, and due to the amount of time passed, it can't now provide Mr G's mortgage file. She said it should pay £100 for the upset caused by not responding to his emails.

Countrywide agreed. Mr G didn't agree and asked that an ombudsman re-consider the matter. Mr G says Countrywide must have some information about him – such as the recent emails between Countrywide and this service.

## **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 G sent emails to Countrywide in May, July and August 2022 asking for a copy of his mortgage file. He didn't receive a response and a complaint was raised. Countrywide sent a final response in December 2022, saying it had no record of having advised Mr G. Our investigator provided copies of letters sent by Countrywide to Mr G in 2006 and 2007, and it checked its records again.

Countrywide has a data retention and destruction policy. It says in most cases it holds information of this kind for seven years. 15 years have passed since Countrywide gave Mr G mortgage advice and they were last in contact. Countrywide says it no longer holds information related to the advice given to Mr G when he took out his mortgage.

Countrywide doesn't have records relating to the mortgage advice given in 2006 so it doesn't have anything to provide to Mr G. While this must be disappointing for Mr G, this isn't due to any error by Countrywide.

Mr G says Countrywide must have records, such as its recent emails with this service. That wasn't what Mr G asked for in mid-2022. Whether Countrywide should provide copies of correspondence sent after Mr G made a complaint wasn't part of the complaint he brought to us. This means this isn't something I can look into here.

Where Countrywide did make an error was in not responding promptly to Mr G's emails asking for his mortgage file. This wouldn't have made a difference to the outcome, in that it would still have been unable to provide information to Mr G related to the mortgage advice given in 2006. But in order to get a response, Mr G had to email Countrywide several times and bring his complaint to this service. In the circumstances, I think it's fair and reasonable to require Countrywide to pay £100 to Mr G for the upset and inconvenience this caused.

### **My final decision**

My decision is that I uphold this complaint and order Countrywide Principal Services Limited to pay £100 to Mr G.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 4 September 2023.

Ruth Stevenson  
**Ombudsman**