

The complaint

Mr P complains that TransUnion International UK Limited, trading as TransUnion was wrongly reporting his address information and this led to him being chased for a debt he was not responsible for.

What happened

On 23 August 2023 I issued my provisional findings to both parties setting out why I thought Mr P's complaint should be upheld, and I invited both parties to provide me with any further submissions or evidence to consider.

The background to this complaint was set out in my provisional decision together with my provisional findings which are included below and now form part of this final decision.

Background

In February 2022 a water company (Company S) requested TransUnion carry out a trace to find a debtor for them. The debt related to services provided for Property A.

TransUnion's trace returned Mr P as the likely debtor linked to Property A.

Company S and their agents then pursued Mr P for the outstanding debt.

Following contact with Mr P, in July 2022 Company S accepted Mr P was not responsible for the debt, and corrected their records.

Mr P complained to TransUnion in July 2022. On 10 August 2022 TransUnion updated their records with Mr P's correct address – Property B. However, TransUnion said they had done nothing wrong and so Mr P brought his complaint to our service.

Our Investigator concluded TransUnion should have been aware the information they were holding about Mr P's address was not correct, and they said TransUnion should pay Mr P £200 to reflect the upset caused to him by the matter.

TransUnion disagreed. They said that it was not their failing that Mr P had been pursued for the debt because TransUnion did not own the data on credit reports. TransUnion said they reported only the information their data suppliers gave them. TransUnion said it was therefore the data suppliers responsibility to ensure the data being provided was correct and up to date. And TransUnion had not received a notification of Mr P's Property B address.

TransUnion therefore requested that an Ombudsman review the case.

Mr P also told this service that TransUnion had told him during a call on 10 August 2022 that they had identified the problem with his addresses, rectified it and admitted they'd got things wrong.

The case was then passed to me to decide. Before doing so I asked TransUnion for several

pieces of information to better understand what had happened to bring about these events – including the call recording Mr P had referred to.

Disappointingly TransUnion did not provide any of the information requested. They believed a new complaint was being raised and the information requested was not relevant to the original complaint so they did not feel it should be taken into account.

I would take this opportunity to respond to TransUnion to highlight that it is for this service to decide what is and is not relevant to the determination of a complaint. The information requested was relevant to better understanding how TransUnion had been reporting information relating to Mr P's financial standing, and why it came to pass that Mr P was pursued for repayment of a debt that was not his. There was no new complaint.

I would also remind TransUnion of DISP 3.5 in the regulator's handbook of rules and guidance which, amongst other matters, sets out that it is for the ombudsman to direct what evidence is required and explains the ombudsman has the power to require a party to provide evidence, as well as that the ombudsman can reach a decision on the basis of what has been supplied and take account of the failure by a party to provide information requested.

To move this case forward, I have set out my provisional findings below. Both parties will now have the opportunity to provide me with any further evidence or clarifications in response to my findings.

My provisional findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Having done so, I am minded to uphold Mr P's complaint and ask TransUnion to increase the compensation award to £300. I'll explain why.

It is not in dispute that Mr P was pursued for a debt that was not his, nor that this has now been corrected by the parties involved so he is no longer being chased for that outstanding sum, and that his TransUnion credit file has been updated.

It also does not appear to be in dispute that the request from Company S to locate the debtor was made to TransUnion in February 2022.

What is disputed is who is responsible for Mr P being approached for repayment of the debt in question.

Company S have said they relied primarily on the trace findings provided to them by TransUnion. And in summary, TransUnion have said the information they were reporting was that given to them by their data providers, so it was not their fault if something in that information was wrong.

I'm unable to look at Company S's actions in this matter, so my findings relate only to TransUnion.

So what were TransUnion's responsibilities here?

As a credit reference agency (CRA), TransUnion is a controller of the credit reference data that it holds. This means it has responsibilities under data protection law to make sure that the data is used fairly and lawfully.

CRA's use credit reference data to carry out certain processing activities to support their business operations. One of the things they do is data linking – so when a CRA compiles data into their databases they create links between different pieces of data. This can mean a person can be linked with their previous and current addresses.

The Information Commissioner's Office (ICO) – the independent body set up to uphold information rights, and regulate data privacy – sets out that as a general rule, if a particular entry on a credit file has a company name on it, it's likely to be that company responsible for that entry. And the CRA's can't amend that data without the permission of that company.

However, the ICO does note that they expect CRA's to take reasonable measures to ensure the information that is reported by lenders via their credit files is accurate. And that the information generated by CRA's for which they are responsible includes financial links, linked addresses and alias information.

Under UK GDPR Article 5 sets out that personal data shall be, amongst other principles, accurate and kept up to date. And that any data which is inaccurate is erased or rectified without delay.

In view of the above, it follows to ask did TransUnion act fairly and reasonably when processing Mr P's personal data, and take reasonable measures to ensure information being reported to them was accurate, and that they were maintaining accurate and up to date address links for Mr P?

It is right to say that TransUnion would process the credit reference data based on what information various data providers would give them. So TransUnion could reasonably only know if a new address link should be created if it was reported to them by one of their data providers or if Mr P told them himself.

So what did TransUnion know and when?

There is very limited information and evidence available to me to be able to answer this question – notably as TransUnion did not provide the information I requested from them. So I have considered, on the balance of probability – that is what I think more likely than not was the case based on the submissions and evidence I do have – whether TransUnion was knowingly holding inaccurate address details for Mr P in February 2022.

On balance, I am minded to say they were more likely than not in possession of data that would have created an address link for Mr P to Property B prior to the trace being carried out. I say this for the following reasons.

Mr P moved home in or around 2016. This is supported by the credit reports provided by the other two CRA's – Company E and Company F. I've noted that Company E records Mr P on the electoral roll at Property B from April 2016 – corroborated by Bank H linking Mr P at Property B from 6 March 2016 for their card services. Company F's electoral roll information also goes some way to supporting Mr P's move in 2016 given Company F no longer report Mr P at Property A from 2016. Company F have him registered on the electoral roll at Property B from 2019.

TransUnion's credit report (produced on 19 August 2022) does not provide any electoral roll information for Mr P. TransUnion say they never received any information from the council, but I find it strange that they received nothing for several years when the other CRA's did – and TransUnion have not provided any evidence to support what they've said.

I note on TransUnion's credit report that they also appear to be reporting a credit card for Bank H. It's possible Bank H did not send TransUnion the updated information, but equally it's possible that Bank H did send TransUnion updated data. And given the length of time that has passed I find it strange that this would not have filtered through to TransUnion during the years since 2016 as TransUnion are reporting the details of Bank H's card for several years.

Mr P has also remained consistent in saying that during a call with TransUnion they admitted there had been an error on their part. The call Mr P has referred to took place on 10 August 2022. This is the same day that TransUnion updated their records for Mr P's address – as supported by the date showing the link to Property B being last confirmed on 10 August 2022 by TransUnion. That Mr P's details were corrected on the same day as the call he's described, and in the absence of anything else to suggest otherwise, lead me to say his version of events is more likely than not what happened.

I recognise that TransUnion relies on information from their data providers, and in this case Mr P did not tell TransUnion directly that he had moved in 2016 - so TransUnion would only have been able to create the Property B address link if they had been given credit reference data that would have prompted them to do so.

I also recognise that while TransUnion provided trace results to Company S, this information was for Company S to use and decide for themselves if they were satisfied they had the correct debtor. It would therefore be unfair to hold TransUnion fully responsible for Company S's actions.

That said, given the lack of forthcoming evidence, based on the limited submissions and evidence I do have available to me, I am minded to say TransUnion more likely than not did not maintain accurate and up to date details for Mr P. And I think TransUnion more likely than not had a part to play in what went wrong here for Mr P.

In the circumstances, I think that being chased for a debt that is not yours is no doubt upsetting, worrying and an inconvenience for an individual to put right. The matter took several months to resolve and so I am minded to say that £300 is fair to reflect this. I consider compensation of this amount fair where the impact of a mistake (or mistakes) has caused considerable upset and worry and/ or significant inconvenience and disruption. I think this describes Mr P's experience.

Responses to my provisional decision

Mr P replied to my provisional decision. While Mr P continued to express his wider concerns about TransUnion, he provided no further evidence or submissions for me to consider in relation to this case.

TransUnion also responded to my provisional decision and said they had nothing further to add.

As both parties responded to my provisional decision before the deadline given, I am now in a position to set out my final findings on this matter.

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.

Because neither Mr P nor TransUnion have offered me any further submissions or evidence to consider, I see no reason to alter my conclusions from those set out in my provisional decision and the provisional findings above. That is, for the reasons above I find that TransUnion most likely did not keep accurate and up to date records for Mr P on their credit file, therefore TransUnion more likely than not had a part to play in Mr P being chased for a debt that was not his.

In the circumstances, I think £300 is a fair and reasonable sum for TransUnion to pay Mr P to recognise the impact their involvement in these events have had on him.

Putting things right

TransUnion International UK Limited, trading as TransUnion must pay Mr P £300.

My final decision

For the reasons above, my final decision is that I uphold Mr P's complaint. TransUnion International UK Limited, trading as TransUnion should put things right as I've set out above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr P to accept or reject my decision before 6 October 2023.

Kristina Mathews
Ombudsman