

The complaint

Mr T complains that TRANSUNION INTERNATIONAL UK LIMITED trading as TransUnion, was reporting someone else's financial information on his credit file. And some of his information was being reported on another individual's credit file.

What happened

I previously issued a provisional decision on this case. I intended to uphold the complaint, but I thought TransUnion needed to do more to put things right for Mr T. Because of this, I wanted to give both parties the chance to respond with anything else they wanted me to consider before I came to my final decision on the matter.

I have copied my provisional decision below, which also forms part of this final decision:

"Mr T says that, for years, TransUnion have been reporting a CCJ on his credit file that didn't belong to him. And he says that his information has been shared with someone else. Mr T says this has led to years of him not being able to get credit, or only being accepted for more expensive credit. Mr T added that once the information had been removed from his credit file, he immediately started to receive pre-selected offers from other credit providers.

Mr T added that TransUnion didn't respond to his data subject access request. And it didn't answer all of the points he asked it to when he complained. He says he's been trying to contact TransUnion by phone but hasn't been able to speak to anyone.

Mr T says this situation has impacted him financially, by having to pay more for credit. He's also said it has impacted on his mental health, as he would have sleepless night whenever he applied for credit.

TransUnion responded to Mr T's complaint and accepted that it had made a mistake when it was reporting someone else's information on Mr T's credit file. It said that it had been doing this since around 2018 based on some information it received from a third party. Because it made a mistake, it offered to pay him £250 to put things right.

An Investigator also looked into Mr T's case. They agreed that TransUnion had made an error which had impacted Mr T. The Investigator thought that £500 was a fair amount of compensation for this. However, they stated that they hadn't seen any evidence to suggest Mr T had lost out financially, and so he didn't think TransUnion needed to compensate Mr T for any financial losses.

Mr T didn't agree with the Investigator. And because an agreement couldn't be reached, the complaint has been passed to me to decide on the matter.

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 have to say that TransUnion's handling of this case has been disappointing. And it has caused delays to the case being progressed. Which I can see from Mr T's communications with this service has caused him additional worry. I'll be considering this point when deciding on fair compensation.

TransUnion hasn't provided this service with much information on this case. So, it's difficult for me to know exactly what's happened. But it has accepted that it made a mistake in reporting someone else's information on Mr T's credit file. And it hasn't disputed what Mr T has said about someone else also being able to view his financial information. So, I'll now decide whether the £500 TransUnion has agreed to pay Mr T is enough to settle things. And I don't currently think it is.

Information being reported on Mr T's credit file

Part of the incorrect information being reported on Mr T's credit includes a county court judgement (CCJ). The presence of one of these on a credit file will make it more difficult for someone to get credit. And if they are accepted for credit, they will likely need to pay more to borrow.

Mr T says that he had to pay a higher mortgage rate because of the information on his credit file. I accept this is possible. However, this service has also seen evidence from Mr T's broker which suggests that there were other affordability factors, specifically debt to income ratio, which meant that Mr T wouldn't likely to have been accepted for a mortgage on a lower rate even without the CCJ.

I've thought about what Mr T has told us, in that he had the ability to be able to pay off all the debts in cash prior to taking the mortgage. But I don't think doing so necessarily means that he'd still have been accepted for a mortgage. I know Mr T will be disappointed with my comments here, but I just haven't seen enough evidence that persuades me the CCJ was the only reason Mr T couldn't get a mortgage at a lower rate. Although I accept this was likely to have been a contributing factor.

Because of this, I can't fairly conclude that Mr T has lost out financially here.

Mr T has also confirmed that he had to pay higher rates on other types of lending – and had also had credit declined. At the time, he didn't know why. But since the CCJ has been removed from his file, he is now seeing more offers for credit. So, Mr T thinks that the issues he's had in getting credit in the past are down to the CCJ.

Again, I accept having a CCJ present on a credit file would likely make it more difficult to get credit or get credit at a lower rate of interest. But I haven't seen any evidence that suggests Mr T would have been accepted for different types of credit without the CCJ.

I understand Mr T is now receiving offers for other lending at better rates. But what Mr T has sent us to prove this are offers. This doesn't mean that he'd be accepted for the lending at the rate advertised, or at all. A full affordability review would need to take place by these lenders before it would agree to lend. I'm sorry to disappoint Mr T, but I can't conclude that he has lost out financially here. I'm not saying that he hasn't, I just haven't seen enough evidence to persuade me that he has.

I should add here too, that what I've said above isn't suggesting that Mr T is of poor financial standing, or that he has affordability issues. What I'm saying is that there's no evidence to suggest that he has lost out financially as a result of the incorrect information showing on his credit file.

Another individual being able to see his information

I haven't yet seen the evidence showing that Mr T's information was available for someone else to view. But TransUnion hasn't disputed this, so I've accepted what Mr T has said here. I can appreciate why Mr T would be very upset by this. The information contained in credit files is very sensitive and personal – and not something that most people would feel comfortable in another person seeing. I've taken this into account when deciding on fair compensation.

Data subject access request still not received and general customer service.

I can see Mr T has been trying to contact TransUnion a lot about the issues he's been having. From what I've seen, many of his contact attempts haven't been responded to, and he's understandably been frustrated by the lack of responses, to an issue which has already caused him a lot of undue distress and inconvenience. I can see that TransUnion are aware that Mr T made a data subject access request, however he says this still hasn't been received. TransUnion should have done better here, and I'll be also taking this into when deciding fair compensation.

Putting things right

Overall, I do think that TransUnion could have done much better here. It has reported a CCJ against him when he didn't have one, it has made his credit file viewable to a third-party, it has provided poor customer service, it hasn't responded to his request for his data and it has caused delays in his complaint being investigated. Understandably, these things have caused Mr T a significant amount of distress. Because of this, I currently intend to order TransUnion to put things right by increasing its compensation award to £750. And for it to provide Mr T with his personal information under his data subject access request."

TransUnion responded to my provisional decision to say it had nothing further to add.

Mr T also responded, he said that he didn't think the £750 was enough to put things right. In summary, he made the below main points:

- He had been taking out credit and repaying the credit to improve his credit file. But what he was doing was pointless because there was a CCJ being incorrectly reported against him by TransUnion.
- The CCJ being reported on his credit file unfairly removed the option for him to be able to apply for and potentially be accepted for lower cost credit from high street lenders.
- The impact of all of this has been severe. He says his personal relationships have suffered as a result of the incorrect reporting. Every month he pays more in mortgage repayments because of the CCJ showing on his credit file.
- Mr T has provided evidence of his current credit score, now the incorrect information has been removed, which he feels supports his view that high street lenders would have been happy to lend to him if the incorrect information hadn't had been reporting about him.
- His mental health has been severely impacted by the error and he is now in contact with his GP about the 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.

Having considered everything afresh, I will still be upholding Mr T's complaint for £750 compensation for much of the same reasons as set out in my provisional decision.

I'd like to reassure Mr T that I have read and taken into account everything he has said in response to the provisional decision. While I haven't specifically referred to everything he has said, I have thought about it when coming to my final decision.

I have already explained in my provisional decision why I can't fairly say that Mr T has lost out financially as a result of TransUnion's incorrect reporting of his data. I haven't seen any evidence that persuades me Mr T would have been accepted for credit with a lower rate of interest had the incorrect data not been reported. I do accept though that the information showing on Mr T's credit file denied him the opportunity of applying for or obtaining credit at certain rates – or getting further into the stages of applications for these types of credit. I considered this 'loss of opportunity' when deciding the overall award.

I'm sorry to have read about the very difficult personal situations Mr T has described, and that this has all had a significant impact on his mental health. Again, I took into account the distress and upset this had caused when coming to what I feel is a fair compensation award. While I accept that TransUnion's reporting of incorrect information would clearly have had an impact on Mr T and caused a considerable amount of unnecessary worry, I can't fairly hold TransUnion responsible for all of the ways Mr T has said this situation has impacted him. For example, some of the personal relationship issues he has had since the reporting. I accept that these things might not have happened had it not been for TransUnion's incorrect reporting, but it wouldn't be fair or reasonable for me to hold TransUnion accountable for the continued breakdown in those relationships.

Putting things right

It isn't in dispute here that TransUnion haven't done as they should have. Having thought about everything again, I still feel that a compensation award of £750 is fair in this case. And so, to put things right, TransUnion should:

- Pay Mr T a total of £750 to compensate him.
- Provide him with a data subject access request.

My final decision

For the reasons set out above, I uphold Mr T's complaint. TRANSUNION INTERNATIONAL UK LIMITED trading as TransUnion should put things right by doing what I've said above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 1 November 2023.

Sophie Wilkinson
Ombudsman