

## **The complaint**

Ms K complains that Experian Limited allowed a third party to set up an account and fraudulently gain access to her credit file.

## **What happened**

Ms K has explained she is in a legal dispute with a family member. On 5 March 2021 Ms K received a notification that her credit report had been accessed via an Experian subscription she had no knowledge of. Ms K contacted Experian on the same day and it raised a fraud investigation. On 9 March 2021 the subscription account was closed by Experian.

Ms K has explained that when she spoke with an agent at Experian on the phone they advised that an email address and bank card in a family member's name was used to set up the subscription account and obtain her credit file.

Ms K went on to raise a number of complaints with Experian and asked it to confirm the details, including email address and bank details, used when setting up the new account. But whilst Experian was willing to confirm some of Ms K's basic information, it wouldn't give the details she requested. Experian didn't uphold Ms K's complaints.

An investigator at this service looked at Ms K's complaint. In its file submission, Experian made an offer of £75 for the distress and inconvenience caused. Experian told the investigator that it would provide the information Ms K requires to the Police if it's contacted directly as part of an active investigation. Experian added it couldn't be held responsible if a third party fraudulently used a consumer's information to open an account and gain access to Ms K's credit file. The investigator thought Experian's offer was fair and didn't ask it to do anything else.

Ms K responded and asked to appeal. Ms K gave detailed background concerning how the release of her credit file had impacted the legal dispute with the family member. As Ms K asked to appeal, her complaint 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.

In response to the investigator, Ms K gave us a lot of details concerning her legal dispute and how she feels the information Experian has provided is being used against her. But Ms

K's dispute appears to be longstanding and subject to ongoing legal action. If Ms K feels her details have been improperly used during the legal dispute, it's ultimately something she'll have to bring up with the courts. I'm sorry but I'm unable to compensate Ms K on the basis of how the legal dispute has progressed.

Experian's explained that to open the new subscription, the third party must have had access to personal identifying information for Ms K. I think that's a reasonable point as information like full name, detailed address history and date of birth are required to open an account. So whilst I understand that Ms K's email address wasn't used to register the new account, I'm satisfied the third party would've had to provide a substantial level of identifying information to open the subscription. Whilst I understand the subscription wasn't opened by Ms K, I'm satisfied Experian would've carried out the necessary checks before proceeding.

Experian's explained it won't release the third party email address or card number to Ms K and we can't force it to. As I've noted above, Experian's explained the agent Ms K spoke with shouldn't have given her those details during a call. We can't force Experian to release that information to Ms K. I've reviewed the application screen print provided by Experian and whilst I can't give Ms K the details she wants, I can say the email address used doesn't match the one we hold for her.

In addition, Experian's told us that if it receives a request from the Police for the details Miss K wants as part of an active investigation it will provide them. I leave it to Miss K to decide how she wishes to proceed.

Experian has agreed to pay £75 for the distress and inconvenience caused to Ms K. Whilst I know my decision is likely to disappoint Ms K, I'm satisfied that a payment of £75 reasonably reflects the impact of the way Experian dealt with her case and is a fair way to resolve her complaint. As a result, I'm going to proceed on that basis and uphold Ms K's complaint.

### **My final decision**

My decision is that I uphold Ms K's complaint and direct Experian Limited to settle by paying her £75 for the distress and inconvenience caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms K to accept or reject my decision before 25 October 2023.

Marco Manente  
**Ombudsman**