

The complaint

Miss S complains that TransUnion International UK Limited (TransUnion) failed to remove a search from her credit file when instructed to do so by the credit provider.

What happened

I issued my provisional decision to both parties on 31 October 2023, which set out the background and my provisional findings on this complaint. My provisional decision said:

Miss S complained to a credit provider, which I'll call Company A. In resolution to her complaint, Company A agreed to remove two searches dated 22 December 2021 from her credit file.

Following this, Miss S noticed only one search had been removed from her credit file with TransUnion. After bringing a complaint to this service about Company A, Miss S was provided with evidence of its request to TransUnion regarding the removal of the searches. Miss S says the request clearly refers to removal of all searches, so complained to TransUnion about its failure to action Company A's request in full on 7 April 2022.

In its final response, TransUnion said it was only asked to remove one specific search entry and it had followed this instruction. It asked Miss S to let it know if she would like a dispute to be raised on the remaining search. Miss S responded to TransUnion, disputing that Company A had only asked to remove one search, and confirming she would be referring her complaint to this service.

Following referral to this service, TransUnion raised a dispute with Company A on 24 April 2023.

Our investigator reviewed matters and concluded that TransUnion hadn't acted fairly. They said Company A asked for all searches made on 22 December 2021 be removed from Miss S' credit file, not just one of them. As it hadn't done this, our investigator recommended that TransUnion remove the remaining search immediately and pay Miss S £250 for the distress and inconvenience caused by the delay.

Miss S accepted our investigator's recommendation. TransUnion disagreed and maintained that it had acted on Company A's instruction, which specified the search reference for the avoidance of doubt. And said it couldn't have removed the remaining search, which had a different reference, without confirmation from Company A. TransUnion also disagreed it was at fault for the delay in the second search being removed, as Miss S hadn't confirmed she wanted to raise a dispute following its offer to do this for her in its email of 8 April 2022 and final response of 20 May 2022. It also wasn't made aware Miss S had referred the complaint to this service until 13 January 2023, so believes it to be unreasonable to be held responsible for delays caused by this service.

As no agreement has been reached, the matter has been passed 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.

Having done so, I don't think TransUnion acted fairly. I'll explain why.

*Company A sent an email to TransUnion on 7 January 2022, which said:
"Due to a complaint, would you please remove all record of credit search conducted on 22/12/2021 under the following reference {7DD52F31-0425-49F1-A99D-0A041F4C05B4}"*

Company A may have referred to "all" search records conducted on 22 December 2021, but I'm satisfied the inclusion of the specific search reference removed any doubt about what TransUnion was being asked to do.

I don't agree the second search by Company A being on the same date is enough to say that TransUnion should've removed that too, based on the above request. I say this because there could have been circumstances that meant the second search should've remained on Miss S' credit file, such as an erroneous duplicate search.

Based on the above, I think TransUnion did what it was asked to do by Company A, and therefore isn't at fault for the second search not being removed at the same time as the first.

That being said, within Miss S' complaint to TransUnion, and her reply to its final response letter, Miss S made it clear both searches should've been removed. So, I think TransUnion was reasonably aware that Miss S disputed the second search remaining on her credit file. And it's reasonable to expect TransUnion to have raised the dispute with Company A at this point.

I appreciate TransUnion made Miss S aware of the option to dispute the second search and asked her to provide further information before it could proceed to do so. However, I'm satisfied TransUnion already held the information it needed to raise the dispute. I say this because the second search has since been removed from Miss S' credit file on 3 May 2023, following a dispute raised by TransUnion on 24 April 2023. This was actioned after the complaint was referred to this service, and without the information it had asked Miss S to provide previously. So, I think it's reasonable to conclude that this could've been done without a specific request from Miss S and submission of the information requested back in April 2022.

Had this been done in April 2022, when Miss S raised her concerns with TransUnion, the search would've been removed a year earlier than it was.

As this service is not the regulator, I cannot fine or punish TransUnion. But I can consider the impact caused to Miss S and I do think TransUnion's inaction caused her unnecessary inconvenience and frustration over a prolonged period of time in order to resolve the matter. So, I think it's fair that TransUnion pay Miss S £250 compensation in recognition of this.

My provisional decision

For the reasons set out above, I intend to uphold Miss S' complaint and require TransUnion International UK Limited to pay Miss S £250 compensation.

Responses to my provisional decision

Both TransUnion and Miss S have confirmed their acceptance of my provisional decision and 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.

As there are no further submissions for me to consider in relation to this matter, I see no reason to alter the conclusions reached in my provisional decision as set out above.

That is, I don't think TransUnion were at fault for not removing both searches dated 22 December 2021 from Miss S' credit file, as Company A's request specified the reference of the search it was asking to be removed. But I think TransUnion's inaction, when Miss S raised concerns about the remaining search on her credit file, caused unnecessary inconvenience and frustration. So, it should pay Miss S £250 to reflect that.

Putting things right

TransUnion should pay Miss S £250 compensation.

My final decision

For the reasons set out above, my final decision is that I uphold Miss S's complaint about TransUnion International UK Limited. I now require it to put things right as described above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss S to accept or reject my decision before 6 December 2023.

Nicola Bastin
Ombudsman