

## **The complaint**

Mr H complains that Madison CF UK Limited trading as 118 118 Money (118) carried out credit searches on him when he says it shouldn't have.

## **What happened**

In 2022, Mr H says he was discharged from a bankruptcy, and his credit card account with 118 formed part of the bankruptcy. After the discharge, Mr H says he noticed that 118 had been carrying out searches on his credit file – the searches had been carried out at an old address for Mr H.

Mr H complained to 118 and it upheld his complaint. It said it shouldn't have carried out the searches and it had contacted the relevant team to assure the searches stopped. It also explained that the searches were 'soft searches' and so were only viewable to Mr H. It offered Mr H £75 to put things right.

Mr H noticed that the searches continued, and so he complained to this service. An Investigator looked into the matter and agreed that 118 shouldn't have carried out searches on his credit file and they noted that they'd seen evidence to show 118 was continuing to do this after it said it would stop. The Investigator thought an additional £100 was a fair way to put things right.

Mr H didn't agree and felt that £200 was a fairer way to put things right. He said he suffers with severe anxiety and depression and the situation had caused him further distress. He felt that 118 had breached data protection legislation and that it had acted in an unfair and unlawful way. Mr H also wanted an explanation as to what had happened and why 118 was still carrying out searches at an old address.

Because an agreement couldn't be reached, the complaint has been passed to me to decide on 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 all the available evidence, I will be upholding Mr H's complaint, for much of the same reasons as the Investigator.

It doesn't appear to be in dispute that 118 was conducting searches on Mr H's credit file when it shouldn't have been. It also doesn't appear to be in dispute that 118 continued to carry out searches after it had said it would stop. So, what's left for me to decide is if 118 has done enough to put things right, and I don't think it has.

I note that Mr H says 118 has acted unlawfully by breaching data protection laws when it continued to search his credit file. I'll start by saying that it isn't the role of this service to find

that a firm has acted unlawfully, only a court of law can do this. However, I have considered Mr H's comments when coming to an outcome on this complaint.

118 has explained that the searches carried out on Mr H's credit file are 'soft searches' – so they're only viewable to Mr H and not other lenders. I'm satisfied this is the case and so the impact to Mr H's credit file has been minimal.

But I am also mindful here that 118 continued to carry out searches for around eight months after it told Mr H it would stop. Understandably, this has caused Mr H frustration, upset and uncertainty as to what was happening and why. It also caused him additional inconvenience in having to raise the matter with 118 again, I note without response.

I understand Mr H wants an explanation as to what had happened. Based on the information I've seen from 118, it appears that the searches continued because of a problem with its systems. I can also see from the information provided to me that this was fixed in September 2023, so 118 says Mr H shouldn't see any more searches on his credit file. If searches continue, Mr H will need to raise this with 118 again in the first instance.

### **Putting things right**

Taking everything I've read and been told into account, and considering this service's general approach to distress and inconvenient awards, I think an award of an additional £100 is a fair way to settle this complaint. While I accept Mr H's comments, in that the situation has been very stressful for him given what he's said about his mental health, I have also noted that the issue has had little impact to Mr H's credit file, and I'm not aware it has worsened his position. So, I think £175 in total – taking into account the £75 118 offered Mr H in its final response letter – is fair in the circumstances.

### **My final decision**

For the reasons set out above, I uphold Mr H's complaint. I now order Madison CF UK Limited trading as 118 118 Money to put things right for Mr H by doing what I've said above.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 18 March 2024.

Sophie Wilkinson  
**Ombudsman**