

## **The complaint**

Miss H has complained that NewDay Ltd passed incorrect information to a third party, in respect of a default.

## **What happened**

Miss H had an account with NewDay, which was subsequently passed to a third party. Miss H says that NewDay gave the third party unfair information regarding a default, and this impacted her credit file.

One of our investigators looked into what had happened. She noted that our service had already considered a complaint against NewDay about the default being reported, and that the merits couldn't be considered, as it had been brought out of time. She noted that a default notice being sent is part of considering whether the default was correctly added or not – so isn't something we can look into.

What our investigator could consider was whether what NewDay had told the third party was factually correct. She agreed it was, as the fact was that NewDay had defaulted the account, as it said it had done. So, she didn't recommend that the complaint should be upheld.

The complaint's now been passed to me.

## **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.

The issue I can look at here is very narrow. Specifically, whether, as a matter of fact, what NewDay reported to the third party was correct. And, it was. When NewDay passed the account to the third party, it had defaulted the account – and this what it told the third party.

Whether or not it should have defaulted the account, is something I'm unable to look at, for the reasons already given. I know this will be frustrating and disappointing for Miss H.

That said, I'm pleased to see that the default was removed in mid-2023.

## **My final decision**

For the reasons given above, it's my final decision not to uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss H to accept or reject my decision before 17 September 2024.

Elspeth Wood  
**Ombudsman**