

The complaint

Mr O complains that TransUnion International UK Limited (TransUnion) are reporting adverse information on his credit file that he doesn't recognise.

What happened

Mr O contacted TransUnion in December 2023, to raise a complaint about Insolvency and County Court Judgements (CCJs) being registered against him in 2022. He said he had no knowledge of this and only became aware after checking his credit file.

TransUnion didn't respond to Mr O's complaint within eight weeks, so he brought his complaint to this service. Following this, TransUnion issued a final response on 7 March 2024. It said there were entries on his credit file with the incorrect date of birth which had now been removed, and Mr O should review any entries without a date of birth and raise a dispute on any he believes to be wrong.

Regarding the CCJs, TransUnion explained it requires evidence from the court that confirms they don't belong to Mr O. TransUnion informed Mr O to contact the court where the judgement is registered for the plaintiff's contact details – and ask the plaintiff to make the court aware he is not the intended recipient of the CCJ.

Our Investigator reviewed matters and said TransUnion hadn't done anything wrong by asking Mr O to raise disputes on the entries he thinks aren't his, and for evidence to support the CCJs didn't belong to him. However, the Investigator thought TransUnion could've asked for this information much sooner than it did, and should therefore pay Mr O £100 compensation for the distress and inconvenience caused by the avoidable delay.

TransUnion accepted our Investigators' findings, but Mr O didn't. He said:

- Neither TransUnion or the Financial Ombudsman Service has been able to tell him what company reported the adverse information against him, so is unable to obtain the information TransUnion asked for.
- He wants this service to contact the company in question for their response on why they reported the adverse information to TransUnion.
- The Government Bankruptcy department has confirmed they have no record of him being bankrupt in 2022.

Our Investigator requested further information from TransUnion, who provided the two case references for Mr O to give to the court in order to obtain the information he needed. TransUnion also confirmed it couldn't see any bankruptcy marker on Mr O's credit file.

As no agreement has been reached, the matter has been passed to me to decide.

Since the case was passed to me, I've asked Mr O to confirm what he is seeing on his credit file that he thinks suggests bankruptcy was being reported, and provide a copy. We didn't receive a response from Mr O.

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.

In considering what is fair and reasonable, I've taken into account the relevant industry rules and guidance, and what would be considered as good industry practice.

Firstly, it might be helpful to explain what this decision will cover. Mr O has asked that this service investigate the reporting of the CCJs on his credit file, including finding out what lender it originated from and why it was reported. However, this complaint is against TransUnion and so I can only consider the actions of TransUnion in this decision.

The information held by CRAs is provided to them from sources such as financial businesses, local authorities and County Courts, who are the owners of the data. CRAs can only display the information provided by the data owners. The data isn't theirs to alter or remove without authority from the data owner.

However, CRAs are expected to take reasonable measures to ensure the information reported via their credit files is accurate. So, while TransUnion isn't generally responsible for the data provided, it is required to investigate and respond when a dispute is raised.

In Mr O's case, TransUnion did investigate and found his file had been merged with a person with the same name, but a different date of birth. It's unclear from the evidence available what happened to cause the third party's data to be added to Mr O's credit file. But I'm satisfied an error of some kind occurred and that TransUnion have taken responsibility for this, so I don't need to decide that aspect – I just need to consider what TransUnion should do to put things right for Mr O.

TransUnion has confirmed any entries on Mr O's credit file with a date of birth that doesn't match his have now been removed – and this hasn't been disputed by Mr O. TransUnion explained there are entries that remain on Mr O's file without reference to a date of birth, so Mr O should check these and raise a dispute on any he doesn't believe to be his. Mr O hasn't informed this service of any remaining entries that he doesn't recognise, other than two CCJ's.

TransUnion has confirmed there are two CCJ's showing on Mr O's credit file – both of which are registered to his name and contain addresses that match his electoral registration data.

CRA's are provided with information about CCJs from the operator of the Register of Judgments, Orders and Fines (R). TransUnion didn't raise a dispute with R here, but given it's the courts who decide CCJ's, I don't find TransUnion acted unfairly in not raising a dispute on Mr O's behalf. CCJ's are added to credit files through a legal process – and the only way to get them removed is if a judge agrees they should be.

My understanding of the process to remove a CCJ is it requires the person disputing the CCJ to ask the court to set it aside. This involves applying to the court and paying a fee for the case to be looked at again. If the application is approved and the court agrees the money isn't owed by the person disputing it, their CCJ will then be removed from the register.

From this perspective, and given the two CCJ's were reported in Mr O's name and at his two known addresses, I can understand why TransUnion wouldn't be prepared to remove the entries without evidence to support they do not belong to him - as it could be seen as interfering with a legal process.

Based on the available evidence, I've been unable to find the CCJ's were added to Mr O's credit file as a result of the file merge. And with the above in mind, I can't agree that TransUnion has enough to be satisfied the CCJ's don't belong to Mr O. So, I think TransUnion's request for a copy of a court document confirming the CCJ's don't belong to Mr O is reasonable. I don't think TransUnion did anything wrong in not removing the entries without evidence from the court that confirmed Mr O is not the intended recipient of the CCJs.

I can understand Mr O's frustration in not knowing where the CCJ originated from, but TransUnion don't hold this information as the register doesn't list the names of the creditors. I'm satisfied TransUnion did what it could by advising Mr O of what he needs to do to obtain this information.

That being said, I do think TransUnion could've provided this guidance to Mr O much sooner than it did - and the avoidable delay would've added to the distress experienced by Mr O during this time. I say this because Mr O was clearly very concerned about the impact the unrecognised CCJ's were having on his credit worthiness. And had TransUnion informed Mr O of what was required to remove the CCJs when he raised his dispute, he would've known what he needed to do to resolve the issue, and minimise any impact caused, over two months earlier.

So, I do agree a compensation award should be paid to Mr O in recognition of the distress and inconvenience caused. And I'm satisfied £100 is in line with the level of distress Mr O has suffered and within our award ranges for situations such as this.

My final decision

For the reasons set out above, my final decision is that I uphold this complaint and TransUnion should pay Mr O £100 compensation for distress and inconvenience.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr O to accept or reject my decision before 30 December 2024.

Nicola Bastin
Ombudsman