

The complaint

Mr S complains about Conclusive Financial Limited trading as Conclusive Financial (“CFL”) and their failure to respond to his requests for his payment protection insurance (“PPI”) claim to be cancelled and his personal information deleted.

What happened

On 13 July 2023, Mr S received an e-mail from a claims management company, who I’ll refer to as “A”, inviting him to provide his authority to submit another claim for mis-sold PPI. Mr S followed the link provided, which took him to a website owned and ran by CFL. He inputted his details and provided authority.

But the following day, Mr S realised he had instead instructed another claims management company, who I’ll refer to as “B”. So, he contacted B asking to cancel his claim. He had no response and so, on 26 July, he emailed CFL asking them to remove his personal information and to confirm his PPI claim had been cancelled. He chased a response by email, and by telephone, in the months afterwards but received no response, despite complaining about this. So, he referred his complaint to us.

Our investigator looked into the complaint and upheld it. In their final view, they explained why they were satisfied Mr S was a customer of CFL. And they were satisfied CFL had failed to respond to Mr S as we’d expect. So, our investigator recommended CFL pay Mr S £50 to recognise the inconvenience he’d been caused, while also directing Mr S to contact the Information Commissioners Office (“ICO”) to seek assistance regarding the deletion of his personal information.

Mr S accepted this view. But CFL didn’t respond. As CFL didn’t respond, our service must assume our investigator’s view was rejected and so, the complaint has been passed to me for 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.

Having done so, I’m upholding the complaint for broadly the same reasons as the investigator. I’ve focused my comments on what I think is relevant. If I haven’t commented on any specific point, it’s because I don’t believe it’s affected what I think is the right outcome.

First, I think it’s important for me to note CFL have failed to engage with our service’s investigation or provide any information for us to consider. So, where that’s the case, I’ve made my decision based solely on the information, and testimony, provided by Mr S. And where appropriate, I’ve made adverse inference to CFL’s lack of engagement.

And in this situation, from the information I’ve seen, I’m satisfied CFL were responsible for the running of the website Mr S was directed to in July 2023. So, I’m satisfied CFL were

acting in their regulated role as a lead generator and because of this, I'm satisfied Mr S' complaint is one our service can consider against them.

But I must make it clear to Mr S that from what I can see, I don't think CFL were instructed to pursue his PPI claim. So, this and Mr S' wish for this claim to be cancelled isn't something I've considered, nor is it something I can direct CFL to cancel.

But, as a lead generator, I think it's clear CFL obtained Mr S' personal information for this information to be used by another company to make a claim. So, when Mr S contacted CFL directly to ask that this personal information be deleted, I would've expected CFL to acknowledge and fulfil this request.

But I can't see they did. Instead, due to their lack of response, I can see Mr S has attempted to contact CFL by different mediums without success. And I wouldn't have expected Mr S to need to do this, when he called CFL using the number we hold on our system, and he emailed them using the email address we have available. So, I'm satisfied CFL have acted unfairly here, and I've then turned to what I think CFL should do to put things right.

Putting things right

Any award or direction I make is intended to place Mr S back in the position he would've been in, had CFL acted fairly in the first place.

In this situation, I think CFL would've responded to Mr S' first email in a timely manner, actioning his request for his information to be deleted. But they didn't, and this meant that Mr S had to spend time and effort chasing CFL for a response over the next few months without success.

I think this would've been both frustrating and inconvenient for Mr S, and I think he should be compensated for this impact. Our investigator recommended CFL pay Mr S £50, which I note Mr S has accepted. And I think this payment is a fair one, that falls in line with our services approach and what I would've recommended, considering the limited impact CFL's involvement and failures have had on Mr S overall, over a relatively short time period. So, this is a payment I'm directing CFL to pay.

I also want to reiterate to Mr S that he is still able to pursue a complaint with the ICO, considering his issue relates to the handling of his personal data. And I also want to make it clear that while I have considered the additional testimony he's put forward about recent contact from who he believes to be CFL, this contact is an event that's occurred since our service has accepted his original complaint. So, this isn't something I've been able to address further within this decision.

My final decision

For the reasons outlined above, I uphold Mr S' complaint about Conclusive Financial Limited trading as Conclusive Financial and I direct them to take the following action:

- Pay Mr S £50 to recognise the inconvenience created by their failure to respond to his email and telephone contact.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 27 May 2024.

Josh Haskey
Ombudsman