

The complaint

Mr A complains about third party information as well as incorrect information showing on his Equifax Limited credit file.

What happened

The background to this complaint and my initial conclusions were set out in my provisional decision. I said:

In April 2023, Mr A complained to Equifax after finding several accounts belonging to third parties with similar personal information on his credit file. Mr A complained to Equifax and asked it to correct his credit file to remove all accounts belonging to third parties.

Equifax issued a final response to Mr A on 7 June 2023 and upheld his complaint. Equifax explained it had loaded a Notice of Disassociation to its database to remove the third party data from his credit file. Equifax also offered Mr A £350 to resolve his complaint.

Mr A went back to Equifax in August 2023 and explained that an account with a utility supplier was still being incorrectly recorded on his credit file. Mr A noted that the account had the same first and last name as his but different middle initial. Mr A pointed out the account from the utility supplier was being reported on his credit file at his address. The entry also included the same date of birth as Mr A. Mr A said the account didn't belong to him and explained the entry was negatively impacting his credit score and ability to secure new credit. Mr A asked Equifax to remove the entry from his credit file.

Equifax issued a new final response on 26 October 2023 and apologised for the delay in responding. Equifax said it was unable to remove the account from Mr A's credit report as the date of birth matched his. Despite having a copy of Mr A's passport, Equifax said he would have to supply a copy of his birth certificate so it could investigate the matter further. Equifax also said it had raised a query with the utility supplier and would revert with the response. Equifax didn't uphold the issues concerning the remaining disputed account on Mr A's credit file.

An investigator at this service looked at Mr A's complaint. As part of its submissions, Equifax provided the utility supplier's response to its query from October 2023. The utility supplier said Mr A and the third party reported on his credit file were confirmed brothers and reporting was updated correctly. Equifax advised Mr A no amendments were needed. The investigator wasn't persuaded that Equifax had acted unfairly by declining to investigate further without seeing Mr A's birth certificate.

Mr A asked to appeal and said his credit file continued to hold data relating to a third party. Mr A explained he was continuing to dispute the account reporting his details with a different middle name. Mr A said that he didn't feel Equifax had a legitimate reason to request his birth certificate as it already had a copy of his passport which confirmed all his personal information, including middle name. Mr A repeated his request for the disputed account to be removed from his credit file. As Mr A asked to appeal, his complaint has been passed to me to make a decision.

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. I've been reasonably brief in setting out the background above as all parties broadly agree concerning the overall timeline for Mr A's complaint.

I can see that Mr A's initial complaint resulted in almost all the third party information being removed from his credit file by Equifax in June 2023. I can understand why Mr A was concerned to find a reasonably large number of third party accounts on his credit file and why he asked Equifax to remove them. Equifax has explained that similarities in some of the details of the third party accounts resulted in them appearing on Mr A's credit file. But I can see that details like the date of births and other details were different. Whilst I agree Mr A was inconvenienced by the entries on his credit file, I'm satisfied Equifax took reasonably quick action to dispute and remove them and that its offer of £350 for the distress and inconvenience caused is fair. So I'm not telling Equifax to take any further action in relation to this part of Mr A's complaint.

Whilst I'm satisfied Equifax dealt with the initial dispute and complaint reasonably, I'm not persuaded it's dealt with Mr A's later complaint fairly. I'll explain why.

Mr A's credit file clearly has a mistake on it. The utility supplier account in question contains Mr A's address and date of birth. It also contains Mr A's first and last name. But the entry uses a different initial for the account holder's middle name. That means the account in question either belongs to Mr A and includes the wrong middle initial or relates to a third party whose details have somehow been confused with his. In either case, the entry is clearly not correct. So I think Equifax should've been doing everything possible to try and resolve this issue for Mr A.

I can see that Equifax has told us it raised a query with the utility supplier but wasn't given permission to remove the account. But the response Equifax has quoted is difficult to make sense of. The response appears to say that because Mr A and the third party are brothers, the entry should remain on Mr A's credit file. But only Mr A's accounts should appear on his credit file. So I'm satisfied there were grounds for Equifax to take Mr A's dispute further.

Equifax has made repeated requests for Mr A to send a copy of his birth certificate to take his dispute further but I'm not persuaded that's fair. Equifax already has a copy of Mr A's passport that will contain his full legal name. I've checked government guidance and found that a passport can only be issued in a consumer's full legal name as given on their birth certificate. This is publicly available information that Equifax has access to online. So there is no benefit to Equifax's insistence on Mr A providing a copy of his birth certificate in addition to the passport it already has a copy of as it will include the same details.

I'm satisfied that Equifax had sufficient information already on file (a copy of Mr A's passport) to take his dispute further with the utility supplier. And my view is that by insisting Mr A provide a copy of his passport without good reason, Equifax has unnecessarily delayed any further investigation into what is clearly an incorrect entry on his credit file. In my view, the insistence that Mr A provides his birth certificate and delay in taking his dispute further has been significant and I can understand why he remains upset and disappointed that his credit file still appears to contain incorrect information.

I need to decide how to fairly resolve Mr A's complaint. I can't simply tell Equifax to delete the account as it's not the business reporting it on Mr A's credit file. But I can tell Equifax to raise a new dispute with the utility supplier and complete its own investigations concerning

the disputed account using the passport it already holds for Mr A to verify his name. So I intend to tell Equifax to begin a new dispute with the utility supplier concerning the account in question. I also intend to tell Equifax to begin a new investigation into the account and whether its systems are responsible for matching it to Mr A's credit file in error or not.

In addition, I intend to award Mr A compensation for the distress and inconvenience caused by the delay in taking his dispute forward by Equifax and insistence on providing his birth certificate when his passport was already on file. As I've said above, I'm satisfied that the offer of £350 was fair in respect of the accounts Equifax was able to remove that were covered in its final response dated 7 June 2023. But I think an increased settlement of a further £350 reflects the additional trouble and upset caused and is a fairer way to resolve his complaint.

Mr A responded and confirmed receipt of the provisional decision. Equifax didn't respond with further comment.

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 neither party has provided any new information for me to consider, I see no reason to change the conclusions I reached in my provisional decision. I still think Mr A's complaint should be upheld, for the same reasons.

My final decision

My provisional decision is that I intend to uphold Mr A's complaint and direct Equifax Limited to settle as follows:

- Using Mr A's passport, raise a new dispute with the utility supplier to challenge the disputed entry on his credit file
- Using Mr A's passport, raise a new investigation at Equifax to look at whether the disputed account is being reported on his credit file in error
- Increase the settlement offered for the distress and inconvenience caused by a further £350

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 28 October 2024.

Marco Manente
Ombudsman