

The complaint

Mr W complains Equifax Limited's staff have impersonated medical professionals when contacting him about his credit report.

What happened

Mr W raised some concerns regarding his credit report. In response, Equifax said:

In your complaint to Equifax you highlighted the impact this was having on your mental health. I'm very sorry to hear about how this situation has made you feel. Should you feel you need further support you may wish to consider speaking to a charity – such as Samaritans or MIND – who can offer support and advice.

Equifax went on to provide the phone numbers for both charities.

Mr W said this was Equifax trying to act as a medical professional – and it was illegal under Section 49 (1) of the Medical Act 1983 to impersonate a doctor or other medical professionals. He asked us to look into this issue – but didn't mention the original reasons he'd been in touch with Equifax.

One of our Investigators did so, but thought Equifax were just trying to be helpful when they signposted him to the charities, so he didn't uphold the complaint.

Mr W said he didn't need Equifax to tell him how to run his life – and he didn't need signposting from them. Ultimately, he asked for an Ombudsman to decide the outcome of his case – so it's been passed to me to decide.

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.

I can see in communications Mr W sent Equifax before they issued their letter which included the signposting, he'd said "*affected my health, wellbeing etc due to your actions*" in one email to them. And in another had referred to compensation he felt he was due – and listed out the compensation under the headings of '*distress, inconvenience, pain and suffering, damage to my reputation*'.

In the circumstances, I don't find it was unreasonable for Equifax to interpret Mr W's comments as they'd have some kind of negative emotional impact on him.

And, in accepting that, I then think it was reasonable of Equifax to have provided signposting for Mr W if he wanted to talk to someone about the impact he'd told them they'd had on him. I think Mr W has interpreted Equifax's mention of these charities as them saying he has a mental health condition. But I don't think this kind of signposting implies someone has a mental health condition. This kind of signposting is very common when someone talks about any kind of emotional impact they've experienced.

So, I don't find Equifax did anything wrong in signposting Mr W to these charities. There is also nothing in their comments to suggest they think Mr W has a mental health condition.

I know Mr W believes Equifax have acted as a doctor or medical professional – which in his view means Equifax have acted illegally, but as I can see our Investigator explained, our service couldn't decide if Equifax had broken the law. Mr W would need to take that matter to court if he wanted to pursue it.

My remit is to decide things on a fair and reasonable basis – and I can't see anything in Equifax's comments to suggest they are saying Mr W has a mental health condition. I think they were genuinely trying to be helpful.

Overall then, I think Equifax responded appropriately to Mr W's comments by signposting him, and I don't interpret their comments as saying he has a mental health condition.

My final decision

For the reasons I've explained above I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr W to accept or reject my decision before 14 November 2024.

Jon Pearce
Ombudsman