

## The complaint

Mr A complains Experian Limited have linked his credit file to another person with the same name.

## What happened

I issued a provisional decision setting out what'd happened, and what I thought about that. I've copied the relevant elements of this below, and they form part of this final decision.

*Mr A has said the issue of him being linked to someone else who doesn't pay their debts has been going on for many years. He asked Experian to ensure their clients (financial institutions such as banks) can separate him out from this other individual. Mr A had previously raised a complaint in 2020, and again more recently about this latest issue.*

*Experian said they understood Mr A's complaint to be that his credit file is showing incorrect information under an address link. Experian explained they're not responsible for the data being reported, and to remove it they have to have the data providers authorisation to do so. They said they'd disputed the relevant links with two companies, and he'd receive a reply within 28 days. Experian added Mr A can add a Notice of Correction on to his credit file which can provide information to lenders – but overall Experian didn't think they'd done anything wrong.*

*Unhappy with this Mr A asked us to look into things, explaining this issue kept coming up, it wasn't fair and has had a big impact on his mental health. Fundamentally though, he wants a permanent solution to be found so this doesn't keep recurring.*

*As I understand it, two companies have mistraced Mr A on this occasion – I'll refer to them as Company A (a mobile phone provider) and Company B (a debt company).*

*One of our Investigators considered things, saying she couldn't consider the 2020 complaint as it'd been brought too late. But for this current complaint she found Experian could have done more to deal with matters for Mr A, so awarded him £200 – and said he should be removed from one of their tracing systems Experian Autotrace.*

*Mr A said he appreciated our support and was only looking for us to consider this current complaint, but Experian didn't agree to the overall outcome.*

*They said they'd remove Mr A from the Autotrace system but didn't think they'd done anything wrong regarding the links – so wouldn't agree to the £200 compensation. In summary, they said:*

- The Autotrace system makes it clear it's the user's responsibility (the users here being Company A and B who have mistraced Mr A) to ensure they're contacting the right customer*

- Although Company A and B had previously agreed some information was wrong, that doesn't mean when the information re-appeared Company A / B hadn't now found more information to confirm it was accurate

Overall, Experian didn't think they'd done anything wrong – so the complaint's been passed to me to decide.

### **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.*

*As a starting point I want to say Mr A really does have my sympathy for the issues he frequently experiences. I can only imagine how incredibly irritating, frustrating and distressing it is to have this happen repeatedly. Especially given what he's told us about the impact it has had, and continues to have, on him.*

*But I need to make it clear I can only uphold this complaint against Experian if I'm satisfied they've done something wrong.*

*Experian's explanation, and the way things generally work, does make sense to me.*

*In this case, Mr A disputed an entry from Company A. They agreed this Mr A wasn't their customer, so told Experian to remove the data.*

*Company A, and later Company B, then reported the accounts for the other person, on Mr A's credit file. Experian don't own the data, the data providers do, Experian's primary responsibility is to take action when it's possible the data isn't accurate.*

*Experian's point I think is valid – in that how can they be sure Company A and Company B haven't, since the incorrect data was removed, then found Mr A was their customer. I don't think it'd be reasonable of Experian to have to automatically investigate this matter given the millions of records they deal with on a daily basis – it's just not realistic in my view.*

*This doesn't mean though I think Experian don't have something to address – the Autotrace system.*

*Information I've found about the Autotrace system talks about it from the perspective of encouraging business users to sign up – and one element is titled "Contact your customers with confidence" – and says Experian provides a 'confidence score' of how likely it is the person returned on Autotrace is the person the user is trying to find.*

*Experian explain the Autotrace system requires users of it (which could include Company A and Company B) to exercise caution over the data. And this is reflected in the terms and conditions of the product – the most relevant terms of which say:*

### **5. Use of Information**

You undertake that you shall:

- Take reasonable steps to confirm the identity of a debtor before taking any action to recover the relevant debt where the information/services provide a home address for that debtor

### **7. Performance and Liability**

- a. We use all reasonable skill and care to provide the Services

- b. You agree that you will not make any of your business decisions based just on the Information

*So, I accept Experian's point, it's the user's responsibility to ensure they're linking the correct person to the relevant credit file. After all, it's the user who is using the system to find out more information, and generally they'll have other data they might be able to match to the data returned by the Autotrace system. So, I think it's fair to say Experian aren't automatically responsible for mistraces if the Autotrace system was used.*

*Another of Experian's points is that none of what they do means Mr A couldn't be linked again to this other individual through other – non-Experian – related means.*

*I find this also to be a fair point, on the basis Experian can't control matters with another credit reference agency.*

*But it does mean they should take steps to do whatever they can that is within their control – and it's here where I'm finding Experian could have done more.*

*Experian have agreed to remove Mr A from the Autotrace system only after our Investigator suggested it. They didn't seemingly think of this themselves in this complaint, nor in the 2020 complaint Mr A raised.*

*In the circumstances, I can't be certain this action isn't what has led to the problems Mr A has experienced on this occasion. I can't know for sure Company A or Company B used the Autotrace system, as part of Experian's terms say they can't tell people, so I couldn't ever know if they did.*

*But what I can say, based on all of the information before me, is Mr A not being removed from this system previously has meant Experian didn't take all of the steps they could have done to help Mr A – both when addressing this complaint, and when dealing with Mr A's 2020 complaint or any other disputes he may have raised earlier when Autotrace was in place.*

*With that in mind, I'm satisfied it's appropriate to uphold this complaint against Experian, albeit for different reasons to our Investigator, and award compensation.*

*Taking everything into account, I do think a payment of £200 is fair – along with removing Mr A from the Autotrace system. This recognises it's possible Experian are partially at fault for what happened, as well as ensuring they've now done all they can to try and assist Mr A. I also don't know if Experian have any other system like this, so I'll require them to remove him from anything similar – if this applies.*

*As I said earlier, Mr A genuinely does have my sympathy for these issues. I think there is an unfortunate reality which is Experian, and other credit reference agencies, will only be able to do so much to try and fix this matter. That's because there are legitimate reasons to try and trace people. Mr A may wish to record the Notice of Correction Experian mentioned before, as that can help matters. Mr A has also mentioned a password – but that'll only help when it is him who is applying for credit – it won't prevent a company from mistracing / mistaking him for the other party. The password is to try and prevent ID fraud, but that isn't what's happening here as I can see Mr A understands.*

## **Responses to my provisional decision**

Experian said they didn't agree they were at fault. They said they could only add the suppression once all links to the disputed address and third party were removed from the

credit file. Once they'd been removed, then it was correct for the suppression to have been added – until then it wouldn't have been appropriate to do so.

Mr A said he accepted the 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.

I've noted Experian's point, but I'm afraid I don't agree. The key point for me here is that the Autotrace system may be responsible for the situation Mr A experienced, and I think it's something they could and should have thought about beforehand. It's only when our Investigator suggested removing Mr A's details from it, Experian confirmed they could do it.

And, as I explained in my provisional decision above, I can't be certain the other companies didn't link Mr A's details using the Autotrace system. So, I'm awarding compensation for Experian not taking all reasonable steps they should have done before. I remain of the opinion £200 compensation and removing Mr A's details from the Autotrace system along with anything similar is a fair outcome to this complaint.

### **My final decision**

For the reason I've explained above, I require Experian Limited to:

- Remove Mr A from the Autotrace system – and anything similar which Experian currently have in place which could return Mr A's details in error
- Pay Mr A £200 compensation

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 11 December 2024.

Jon Pearce  
**Ombudsman**