

The complaint

Mr Y is complaining that EQUIFAX LIMITED (Equifax) is selling his personal data without his permission.

What happened

Mr Y was contacted by a company I'll refer to as L for the purposes of this decision. He says that L confirmed to him that Equifax sold his information to them.

Following this Mr Y complained to Equifax in his complaint he said:

- He wanted to know where they obtained his personal information
- How many companies they had sold his information on to
- How much they had earned from each company

Equifax asked Mr Y if they could discuss this with him in more detail over the phone. Mr Y declined and said he only wanted to communicate by email, but wanted his questions answered.

Equifax issued their final response letter to Mr Y, they didn't uphold his complaint. In summary they said that as a Credit Reference Agency (CRA) they are allowed to process his personal data without his permission, but if he objected to their use of his data for marketing purposes, they would comply with a request to cease using his data for those purposes. For this to happen they asked that he provide them with his full address. Mr Y didn't provide this.

Mr Y didn't accept this outcome from Equifax and so brought his complaint to this service. He asked our investigator to obtain answers to the questions he had posed to Equifax.

Our investigator didn't uphold Mr Y's complaint, he explained:

- Equifax obtain data from a number of sources such as banks, councils, county courts, and it's likely one or more of these will have reported Mr Y's data to them.
- Equifax has a legitimate reason for processing Mr Y's personal data in their capacity as a CRA but if he thinks that Equifax is breaching data protection laws then he would need to raise this with the Information Commissioner's Office (ICO)
- He believed it was possible that L had conducted a trace to obtain Mr Y's details rather than purchasing them from Equifax, but that this service had no power to compel them to disclose the details of any commercial agreements between them and other firms.

Mr Y disagreed he says:

- only the government has a right to hold his personal data,

- another CRA sold his information and he was compensated for this
- Equifax's parent company was fined for this type of practice in another country
- he didn't believe the ICO would help him as he felt they would side with businesses
- Equifax promised to delete his personal data but it was a lie

The matter has now 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 realise that I've summarised this complaint in less detail than the parties and I've done so using my own words. I've concentrated on what I consider to be the key issues. The rules that govern this service allow me to do so. But this doesn't mean that I've not considered everything that both parties have given to me.

Having done so, I have to tell Mr Y that I have reached the same outcome as the investigator and for broadly the same reasons. I'll explain.

I appreciate Mr Y believes that only the government has the right to hold his data, but this isn't the case. There are many businesses that are allowed to keep and process his personal data. As a CRA Equifax is one of those and they have the right to process an individual's personal data without their express permission where this is for their credit reference business activities.

The information Equifax processes to carry out these activities is provided to them from a variety of sources, including banks, credit providers, utility companies, councils and courts as well as other sources. These sources provide information including names, addresses, date of birth, electoral roll information and information about the way individuals conduct their financial accounts. All of these businesses have a duty to report accurate and up to date information to Equifax and other CRAs, in order that individual's credit report shows a clear and accurate picture of their financial standing.

Other financial firms can access this information to enable them, amongst other things, to make informed decisions about when to lend to individuals, or to trace them if they owe money and have changed address.

Mr Y provided an email from L saying:

"We obtained your new address from Equifax which is in the public domain".

This is not the same as saying they purchased the information from Equifax. L is a debt collection agency and so I believe it is more likely than not that L conducted a trace on Mr Y using Equifax's trace services. And this is how L was able to obtain his address.

I understand Mr Y's wider concerns about what he says happened with Equifax's parent company, but my role here is only to consider Mr Y's individual complaint and so it's not appropriate for me to comment on those concerns as part of this decision. The same applies to Mr Y's comment about compensation he was paid by a different CRA in an unrelated matter.

I also feel it would be inappropriate for me to make a comment about Mr Y's distrust of the ICO as this isn't a matter for this service to consider.

Turning to Mr Y's point that Equifax promised to delete his personal data but lied about it. I have seen no evidence to support this. From the evidence provided I can see that Equifax said they would comply with a request to cease using his data for marketing purposes, but to do that they would need to be provided with his full address. I think that is reasonable as it seems they would need this information to be able to trace the data they hold for him on their systems. I haven't seen any evidence that Mr Y has shared this detail with them, so I can't say they have acted unreasonably in not deleting his data for marketing purposes. If Mr Y does want them to do this going forward, he should provide them with the details they have asked for to enable this to happen.

Given my explanations above, I don't think Equifax has acted unreasonably and I won't be asking them to do anything differently here.

My final decision

For the reason set out above I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr Y to accept or reject my decision before 18 March 2025.

Amber Mortimer
Ombudsman