

## **The complaint**

Mr B complains TransUnion International UK Limited (TU) haven't removed an entry from his credit file when they should have.

## **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 B said in June 2024 he reviewed his credit file and noticed his credit score had significantly dropped. He found a debt for a utility bill which he didn't recognise from a company I'll refer to as A. He contacted TU to dispute the entry, but they've not removed it. He thinks this means TU are breaking the law.*

*TU said they'd contacted A, who didn't agree to remove the entry, and A had asked Mr B to contact them to discuss this. TU added they'd previously spoken to the Information Commissioner's Office (ICO) about their approach in these circumstances, and the ICO have confirmed they're acting correctly. Overall, they didn't uphold Mr B's complaint.*

*Unhappy with this he asked us to look into things, saying it can't be right that TU just accept information being reported on people's credit files without evidence being provided.*

*One of our Investigators considered things, and overall didn't uphold Mr B's complaint explaining TU had correctly disputed the entry as Mr B had asked.*

*Mr B didn't accept this. In summary, he said:*

- *ICO guidelines say Credit Reference Agencies (CRAs) like TU must get evidence in the event of a credit file dispute – but TU seem to have just accepted A's answer in this complaint.*
- *The Consumer Credit Act 1974 (CCA) requires creditors to provide accurate and fair information to the CRAs, and with TU not challenging A on this then they may be in breach of the CCA.*
- *On a wider basis – this raises concerns that any company can place a debt on someone's credit file without providing proper evidence. This could damage people's credit files, and the implications are severe.*

## **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 think it'd be helpful to set out the basis on which I'm required to decide cases. The financial regulator the Financial Conduct Authority sets this out the Dispute Resolution (DISP) rules.*

*DISP 3.6.1 says:*

The Ombudsman will determine a complaint by reference to what is, in his opinion, fair and reasonable in all the circumstances of the case.

*And DISP 3.6.4 says:*

In considering what is fair and reasonable in all the circumstances of the case, the Ombudsman will take into account:

(1) relevant:

(a) law and regulations;

(b) regulators' rules, guidance and standards;

(c) codes of practice; and

(2) (where appropriate) what he considers to have been good industry practice at the relevant time

*Putting this into practice, I'm required to take into account the laws Mr B has mentioned. I'm not bound to reach the same outcome as the law may say, because I'm required to decide matters on a fair and reasonable basis. But, if I depart from what the law says I must explain why.*

*During his communications to TU and our service Mr B has referred to the following laws and guidance:*

- Section 46 of the Data Protection Act 2018 says:

*Right to rectification*

*(1) The controller must, if so requested by a data subject, rectify without undue delay inaccurate personal data relating to the data subject.*

*(2) Where personal data is inaccurate because it is incomplete, the controller must, if so requested by a data subject, complete it.*

*(3) The duty under subsection (2) may, in appropriate cases, be fulfilled by the provision of a supplementary statement.*

*(4) Where the controller would be required to rectify personal data under this section but the personal data must be maintained for the purposes of evidence, the controller must (instead of rectifying the personal data) restrict its processing.*

- General Data Protection Regulations (GDPR)

*Mr B hasn't quoted any particular section from GDPR – so I can't quote what he's referring to. I will though, given the context of his complaint, assume he is essentially referring to the right for correct information to be reported about him.*

*If Mr B had a specific part of the GDPR in mind, he can confirm that in response to this provisional decision.*

- ICO Guidelines

*Mr B says the ICO guidelines on credit report disputes says CRAs like TU have to get evidence of the entry being correct in the event of a dispute.*

*Mr B hasn't quoted which part of the ICO guidelines he's referring to here, so I've had a look at the ICO's website. Under the heading 'What should I do if my credit file is inaccurate?', which I think is relevant to Mr B's complaint, their guidelines say:*

*If your credit file is inaccurate, you can raise your complaints with the relevant CRA you obtained your file from. However, the problem may lie with the original lender or organisation that supplied the CRA with the information so you will need to contact them instead.*

*If you have contacted the CRA and the original lender and there is an obvious inaccuracy which they are unwilling to correct then you may wish to make a complaint to the ICO. Please note that it's not our role to decide on financial disputes.*

*I'm unable to find anything that explicitly requires TU to gather evidence in the event of a dispute, but as per the above if Mr B can clarify which part of the guidelines he's looking at I'll consider that.*

- CCA

*Mr B said creditors are required to provide accurate and fair information to credit reference agencies.*

*I've not checked what Mr B said here because TU aren't a creditor in the context of his complaint. So, I don't think Mr B's reference to the CCA is relevant.*

My thoughts on Mr B's dispute

*When I consider all of the laws and guidance Mr B has talked about, fundamentally they require parties to report true and accurate information about Mr B. And, where that information is inaccurate, it must be corrected.*

*Mr B says the utility debt with A isn't his and isn't something he recognises. At face value, if this were to be proven to be true, then I'd expect this data to be removed.*

*In looking at Mr B's complaint, it's about TU's actions in not removing the data he says is incorrect. So, in order to uphold Mr B's complaint, I'd have to be satisfied TU have acted unfairly in their dealings with him.*

*Mr B raised a dispute. This is as I'd expect and in line with the ICO guidelines I could find that were relevant to Mr B's complaint. But, as the ICO guidelines also say, the problem could be with the party reporting the data. Here, that does appear to be the case.*

*Broadly, when someone raises a dispute about inaccurate data I would expect a CRA to raise a dispute. But, I'd also expect that CRA to generally rely on the information they're given by the data provider – unless they've got evidence or information to otherwise suggest it's inaccurate.*

*I've seen nothing to suggest Mr B has proven to TU the data A is reporting is obviously wrong. So, I can't uphold Mr B's complaint for that reason.*

*And when A replied to the dispute TU raised, they said:*

Thank you for your recent query. We are sorry but we cannot accept your dispute as our investigation shows that the data you have queried is valid. This is account is for the water

supply to...and payments need to be made directly to us. We have your name and your address as billing details.

*This is a clear response from A which says Mr B is responsible for the bill. Because of that, I don't consider Mr B has proven the debt with A is inaccurate. And, in my view, TU correctly told Mr B he should raise his dispute directly with A.*

*I'm not aware, and haven't been able to find, any requirement for TU to gather evidence of the entry being correct on Mr B's credit file from A after they've replied to the dispute. As above, if Mr B wants to point me to that then I'd be happy to consider it. But I'd also suggest this is impractical.*

*Essentially Mr B is alleging that either A or 'someone else' has fraudulently used his details for this bill. I can't see how Mr B liaising with TU, for them to liaise with A and gather evidence, is the most efficient way of resolving this matter. It'd also be against the ICO guidelines, which say if the problem is with the data provider who gave the information to the CRA, then the customer would have to contact them instead.*

*Bring all of this together, I can't see that Mr B has proven the information being reported on his credit file by A is inaccurate. Nor has he demonstrated from what I can see TU are required to do more than they already have in raising the dispute and passing on the reply.*

*Because of that, I can't see TU have acted against any of the laws and guidelines Mr B has quoted – and overall I'm currently planning to say they've acted fairly.*

*I've noted Mr B's concerns about the wider impact these kinds of issues could have, but I'm limited to looking at his individual complaint.*

*Finally – I've noted Mr B asked for this data to be suppressed while it was under dispute. I'd class 'under dispute' as waiting for an answer from A. So, in this case, I don't think TU had to suppress the data while Mr B's complaint was ongoing – because the answer from A said it was his debt, and it was for him to dispute that with A.*

## **Responses to my provisional decision**

TU replied and said they had nothing further to add.

Mr B replied, disagreeing with my provisional decision, and below I've listed what I consider to be his key points:

- My outcome favours TU by default without them having to provide a shred of evidence
- TU can't shift the blame when the issue relates to their database which they're in full control of
- My provisional decision suggests Mr B needs to prove the debt isn't his, but he doesn't know how he can do that when he's had no interaction with A at all so has no evidence he can reasonably provide
- If my final decision is in line with my provisional decision, then he'll seek further guidance from the ICO and the Data Protection Act 2018 (DPA), as this is impacting his credit file unfairly
- Mr B provided a link from the ICO's website about data controllers – and said either TU aren't a data controller which is wrong according to the ICO, or they are in which case the DPA says they must ensure the information they hold is accurate

## **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'm sorry Mr B feels my outcome places too much weight on TU's responses. I'll address each of his concerns.

In terms of the evidence I've relied on, this is in keeping with my overall opinion that TU's responsibility when it comes to a dispute about a utility company such as A, is for them to raise that dispute. I've seen evidence they raised that dispute, and that A told them not to remove the data. In the circumstances, I'm satisfied that's sufficient evidence to say TU have taken action to ensure the data they hold is correct.

I don't consider that TU have 'shifted the blame' as Mr B suggests. The parties who provide the data to TU own that data. In a genuine practical sense, if I ordered TU to remove the data, then A would most likely report the same data again in their next update cycle to the CRAs. But, I also have no basis on which to require TU to remove the data – because they disputed it, A didn't agree it should be removed and I've seen nothing from Mr B to show the data is wrong.

I'm sorry Mr B felt I was placing the responsibility on him to contact A, and the challenges that would bring. My remit is to look at whether I think TU have done anything wrong. In my opinion Mr B hasn't been able to show TU or this service that he's right about the debt not belonging to him. Given that, I can't fairly require TU to remove the data for all the reasons I've mentioned. If Mr B were to get in touch with A, and raise his concerns, he may be able to then raise them to another independent scheme to consider his concerns – that of course though is a choice for Mr B.

I completely understand Mr B may want to get further advice from the ICO and other parties. And I've looked at the link he's provided – which Mr B has said shows TU are responsible for ensuring the data is accurate.

I don't disagree with that expectation at all – that TU only report accurate information. But, I come back to Mr B not having proven that TU are displaying inaccurate information. I understand he doesn't agree the information is his, but that isn't the same as *proving* the information isn't his. And I'm satisfied TU did what I'd expect in disputing the entry – and then relying on the reply they were given. So, while I understand Mr B will be very disappointed, I still don't require TU to remove the entry with A.

## **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 B to accept or reject my decision before 26 March 2025.

Jon Pearce  
**Ombudsman**