

The complaint

Mr B complains about the way TransUnion International UK Limited handled his Data Subject Access Request (DSAR).

What happened

Around June 2025, Mr B submitted a DSAR to TransUnion. On receipt, Mr B says there were omissions in relation to information TransUnion shared with a company I'll refer to as S. He also considered TransUnion should provide evidence to show it was allowed to share this information with S.

TransUnion considered this, but in summary said it had provided Mr B with a DSAR in line with the relevant guidelines. So didn't think it had acted unfairly. As Mr B remained unhappy, he contacted this Service.

In summary Mr B requested this Service:

- Require TransUnion to fully disclose the documents it withheld, including the Legitimate Interest Assessment (LIA) it used to share information with S.
- Stop TransUnion unlawfully processing his data in its "trace products".
- Provide compensation of £4,000 for the distress and inconvenience caused.

Overall Mr B explained he wanted to understand what data had been shared with S and establish whether the processing of this complied with UK General Data Protection Regulations (GDPR) and requirements set by the Financial Conduct Authority (FCA).

An Investigator here reviewed matters but didn't think TransUnion had acted unfairly. They said TransUnion had provided the DSAR within the expected timescale and it wasn't the role of our Service to say whether it had complied fully with Mr B's DSAR – that's the role of the Information Commissioner's Office (ICO). They also considered TransUnion had explained how it was able to process Mr B's data and hadn't acted unfairly in not providing the LIA or further information.

Mr B didn't agree with our Investigators findings. He also said they'd not addressed his concerns around whether TransUnion had complied with GDPR, in light of the DSAR omissions. Something he considered this Service should address, along with ICO guidance, when deciding whether TransUnion acted fairly, or not.

As a result, Mr B requested this Service obtain certain information including: a copy of the LIA relied upon; a full disclosure to S; various GDPR specific documentation and the DSAR audit trail.

As no agreement could be reached, this complaint has been passed to me to decide.

In addition to his response above, Mr B requested the deciding Ombudsman issue a

provisional decision before issuing a final decision. As such, I think it's important I address this point first, before moving on to my outcome.

It's not always necessary to issue a provisional decision, and in Mr B's case having reviewed everything I don't consider it will be. I say that because I've reached the same outcome as our Investigator for broadly the same reasons. I'd also add Mr B had the opportunity to provide information to us following our Investigator's outcome. So, I'm satisfied Mr B has been given fair opportunity to make any further representations he wants to.

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.

In doing so, I've taken into account the relevant industry rules and guidance, and what would be considered as good industry practice.

Firstly, I want to explain I've read and taken into account of all the information provided by both parties, in reaching my decision. I say this as I'm aware I've summarised Mr B's complaint in considerably less detail than he has. If I've not reflected something that's been said it's not because I didn't see it, it's because I didn't deem it relevant to the crux of the complaint. This isn't intended as a discourtesy to either party, but merely to reflect my informal role in deciding what a fair and reasonable outcome is. This also means I don't think it's necessary to get an answer, or provide my own answer, to every question raised unless I think it's relevant to the crux of the complaint.

The regulator the FCA sets out the rules for our service to follow. These rules are set out in the Dispute Resolution: Complaints (DISP) Handbook.

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.

The effect of these rules mean I'm required to take into account the information, laws and legislations Mr B has mentioned, but I'm not bound by them. This reflects our informal nature as an alternative to the courts. As such, we wouldn't routinely quote every law that could potentially apply.

In addition, I'm aware Mr B considers this Service should request certain information to establish whether TransUnion has acted fairly and reasonably. I should say on this point, it's for me to decide whether further information is necessary in order to come to an outcome, and here I'm satisfied I have sufficient information in which to do so.

TransUnion's trace product

TransUnion told Mr B it shared information about him with S. It seems it did so as a result of a trace, requested by S. TransUnion's Credit Reference Agency Information Notice (CRAIN), available on its website, says:

"We provide services that support tracing and collections where the client has a legitimate interest in conducting activity to find its customers and to recover debt, or to reunite, or confirm that an asset relates to the right person."

I can see TransUnion explained to Mr B what a trace was, the reason companies such as S carry these out and the type of information shared on a trace. This included last known addresses, but not financial information. As such, TransUnion did what I'd expect here in explaining matters to Mr B.

TransUnion has also said it processed his data as there was a '*legitimate interest*'.

Article 6, part 1 of the GDPR says:

Processing shall be lawful only if and to the extent that at least one of the following applies:

- a) the data subject has given consent to the processing of his or her personal data for one or more specific purposes;*
- b) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;*
- c) processing is necessary for compliance with a legal obligation to which the controller is subject;*
- d) processing is necessary in order to protect the vital interests of the data subject or of another natural person;*
- e) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;*
- f) processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.*

The ICO's website provides further clarity on this point, which says, in its FAQs section:

"Do the CRAs need my consent to hold all this information on me?"

No. Data protection law doesn't actually require the CRAs, or any other organisation, to have your consent before they are allowed to process your personal data. They can use it without consent if they have a valid reason and as long as you have been told what is going to happen to your data. These reasons are known in the law as a 'lawful basis' and there are six lawful bases organisations can use. If you have taken out a loan or credit card you will probably find details of this in the original terms and conditions that you signed."

Article 6, part 1 lists out the 'lawful basis' the ICO mention above. And the ICO defines point 6 as the lawful basis for processing information. This explains processing is necessary for the purpose of legitimate interests pursued by the data controller – or third party. Which in this case would be TransUnion and S respectively.

I understand Mr B considers TransUnion should share the LIA with him, to evidence it's able to share his personal data, but I don't think that's necessary, given the above. It appears TransUnion isn't doing anything wrong in sharing Mr B's information following a trace request. If Mr B thinks that's wrong, he can raise a complaint with the ICO about TransUnion's processing of his data if he hasn't already.

I'm also aware Mr B says TransUnion should stop unlawfully processing his data in its trace product. I'm not able to decide whether TransUnion are acting unlawfully – as my remit is limited to considering things on a fair and reasonable basis. I'm also not able to require TransUnion to stop using his data within its trace products, or elsewhere. While I understand, under certain rules, individuals do have the right to object to their data being processed, when considering whether TransUnion should have acted differently here, I've taken into account guidance from the ICO, which says:

“This is not an absolute right, and you may be able to show that the processing should continue (unless you are processing for direct marketing purposes).”

Here TransUnion isn't processing Mr B's information purely for direct marketing purposes, so I can't conclude it's acting unfairly in processing his details when a trace is requested, as appears to be the case here.

So bringing all of this together, I also can't conclude TransUnion are acting unfairly in processing his data in its trace products.

DSAR

Mr B complains TransUnion hasn't provided all information within his DSAR, specifically in relation to information it shared with S. He's asked this Service to consider whether, as a result of this, TransUnion are in breach of GDPR and FCA regulations.

However, as our Investigator explained, I also can't comment on whether TransUnion provided a DSAR in line with requirements, as that's not the role of this Service. That's the role of the ICO. Because I can't consider whether TransUnion has provided all the information it should, within the DSAR, it follows that I can't go on to consider whether in doing so or not, breaches GDPR and FCA regulations. That's because in order to consider that, I'd first need to decide whether TransUnion provided all the information it should have – which as explained I can't.

While I appreciate Mr B may have concerns about his information being shared with third parties such as S, I haven't found TransUnion has made any errors or acted unfairly in the way it's done so. As such, I won't be asking it to pay any compensation to Mr B. And while he considers this Service should comment further on the contents of the DSAR and whether it meets certain regulations, that isn't something I can decide. That's the role of the ICO, who Mr B has said he's previously contacted.

Taking everything into account, for the reasons explained above, I won't be asking TransUnion to take any action here.

My final decision

For the reasons 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 2 March 2026.

Victoria Cheyne
Ombudsman