

## The complaint

Mr M complains Capquest Debt Recovery Limited asked him to repay a debt he doesn't think they should have. He's also unhappy they asked him for personal data despite contacting him first.

## What happened

In April 2025 Capquest contacted Mr M asking for repayment of a debt showing in his name. When Mr M raised a dispute saying the account was statute barred under the Limitation Act 1980 (LA), Capquest asked for his date of birth. Mr M wasn't happy with this, because they already had his email and postal addresses which he felt was enough to verify him, so he complained.

Capquest replied and accepted the account was statute barred, but they didn't think they'd done anything wrong as they could still ask for repayment of a statute barred debt – they just couldn't mislead Mr M about the status of the account.

Unhappy with Capquest's reply, Mr M asked us to look into things, saying their actions had caused unnecessary stress.

As part of our standard process we asked Capquest for their file, and in doing so shared the complaint form Mr M had sent to us. This complaint form included his date of birth.

Capquest replied and explained Mr M wasn't their customer for the account in question and ultimately offered £100 compensation. They said the £100 compensation was for the delay of around one month in responding to contact from Mr M in April 2025.

Our Investigator considered everything and thought the offer was fair.

Mr M didn't accept this quoting some rules from the Financial Conduct Authority's (FCA) Consumer Credit Sourcebook (CONC). He said his complaint wasn't limited to Capquest contacting him in error:

- Pursuing an alleged debt which by their own later admission was statute barred under the LA and CONC 7.15.4R
- Refusing to disclose even basic information about the account unless he provided more data
- Continuing to contact him after he'd disputed liability, despite him saying any further contact would be considered harassment

Overall, Mr M felt these all pointed to a lack of compliance by Capquest with CONC 7.5.3G and the FCA's Principles for business six and seven.

So, unhappy with our Investigator's outcome, Mr M's complaint has been passed to me to decide.

I'm aware Mr M also had concerns over:

- Our service sharing his date of birth with Capquest

- How Capquest handled his data once they were given his date of birth

Neither of these points are ones I'm considering in this complaint – his first issue is something I understand he's raised internally, and Mr M can ask us to consider his second complaint if he'd like to – as he's already complained to Capquest about this point.

### **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 think it's important to explain I've considered all of the information provided by both parties in reaching my decision. If I've not reflected or answered 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.

The FCA set out in the Dispute Resolution (DISP) rules how our service is required to consider cases. In brief, I'm required to take into account various information including the law, as well as the rules and regulations Mr M has referred to. But, ultimately, I'm required to decide things on a fair and reasonable basis.

I'll address the delay from Capquest initially in responding to Mr M's contact.

Mr M sent Capquest an email on 23 April 2025. This was in response to their contact asking him to get in touch.

Capquest say Mr M sent this to an email address which wasn't monitored – and where he'd have received a notification that says that.

I think that could have been relevant – had Capquest then not forwarded the email to their complaints team who then delayed replying to Mr M's contact.

This delay led to Mr M being contacted on a number of occasions when he'd already raised a dispute. I understand Capquest didn't contact Mr M after 20 May 2025 about the account. I can't decide if Mr M has been harassed – as only a court can decide that. But, I do think Mr M has been contacted more than he should have been.

So, I think there is some inconvenience and impact to be addressed from this issue.

I'm conscious when Capquest did reply to Mr M they asked him for his date of birth. I don't find this particularly unusual or unreasonable. I can understand Mr M's perspective they already had his name along with his email and postal addresses so why did they need anything else. But, I'd expect all businesses to have data protection measures in place.

Mr M has said if Capquest had provided the information he asked about the account, then he'd have been able to prove it wasn't his much earlier. I think Capquest would suggest if Mr M had provided his date of birth this could have led to understanding they'd contacted the wrong person earlier as well. And, as I've found above, I don't think Capquest were being unreasonable in asking Mr M to verify himself with his date of birth. So, I don't think Capquest have done anything wrong on this point. This means any impact Mr M has experienced as a result of Capquest asking for his date of birth, and any delay in resolving this matter, isn't something I think it'd be appropriate to compensate him for.

Before deciding the overall outcome I'm aware Mr M is also concerned about Capquest even contacted him about this account in the first place because he says the account was always statute barred under LA.

I don't agree with Mr M in terms of how to assess this – where he's said I need to consider what Capquest sent him at the time they believed the account was his. I can't ignore Capquest have since realised the account doesn't belong to Mr M. He's also referred to CONC 7.15.4 which says:

*Notwithstanding that a debt may be recoverable, a firm must not attempt to recover a statute barred debt in England, Wales or Northern Ireland if the lender or owner has not been in contact with the customer during the limitation period.*

I think for me the key point here is looking at the letters Capquest have sent Mr M. I think there is enough in these letters to suggest they might be asking Mr M to repay the account. But, Capquest wouldn't have ever asked Mr M to repay the account if discussions had progressed – because if they had of done, then Capquest would have realised they'd contacted the wrong party.

With this in mind, I don't think it's appropriate to award compensation for contacting Mr M about this debt because it was statute barred.

But, I do think it'd be appropriate to award compensation to Mr M for contacting him in the first place. I say that because all it's taken for Capquest to realise they've contacted the wrong party is Mr M's date of birth. In the circumstances, I think Capquest should have done more to ensure they were contacting the correct party.

*In summary*

I do think there has been impact on Mr M in terms of Capquest contacting him when they shouldn't have and delaying replying to him.

But, in thinking about compensation, I need to factor in Mr M didn't want to provide any information to Capquest – which likely would have meant they'd have continued to contact him.

With all of this in mind, I think the £100 Capquest have offered is in total a fair way to resolve this complaint.

### **My final decision**

I partially uphold this complaint and require Capquest Debt Recovery Limited to pay Mr M £100 compensation.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 25 February 2026.

Jon Pearce  
**Ombudsman**