

complaint

Ms C complains that EQUIFAX LIMITED didn't protect her personal details.

background

In May 2017 Equifax's parent company was the subject of a cyber attack and the attackers gained access to some of Ms C's personal details. Equifax told her the details included her name, address and telephone number. It offered her a free service for one year to monitor her credit file for any unusual activity. If she was still concerned at the end of this period it said it would extend her cover at no charge. It was aware she'd registered with CIFAS and said it would reimburse her the cost.

Ms C didn't think Equifax had done enough. She didn't know Equifax had her personal details and she thought it should've told her about the breach straightaway.

Our investigator could understand why Ms C was upset and worried by the unauthorised access to her personal details. So she thought Equifax should pay £100 for the trouble and upset it'd caused. But she thought the steps it'd now suggested to protect her in the future were fair and reasonable.

Ms C wasn't happy with her opinion. She was disappointed with the amount of compensation our investigator recommended particularly as she had to take time off work to make her details secure.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

There's no dispute Equifax has made a mistake in the handling of Ms C's personal data so we would expect it to make good any financial loss she's incurred as a result of its error. So I have to decide two issues. Has Equifax done enough? If not what more should it do? For ease of reference I'll follow the same headings as our investigator.

length of time it took for Equifax to notify Ms C about the cyber attack.

Ms C is unhappy about the length of time it took for Equifax to tell her about the breach. She says it should've told her straightaway. If it'd told her sooner she would've been able to take measures to protect herself and her identity. But I haven't seen sufficient evidence to conclude that Ms C became a victim of fraud during that time. And I agree with our investigator it was reasonable for Equifax to identify the full extent of the breach and the impact on Ms C before informing her.

what if Ms C becomes a victim of fraud at a later date?

Unfortunately, as our investigator said, Equifax can't give Ms C an assurance this won't happen in the future. But it's offered her free services to monitor her credit file and I think that's fair and reasonable in the circumstances. If Ms C suffers any financial loss in the future as a result of this breach she can make another complaint to Equifax. And we would expect that organisation to make good any loss to her.

what if Ms C doesn't want to use Equifax Protect and Web Defence Services

Equifax has offered Ms C free services to monitor her credit file. I can understand Ms C's reluctance to sign up to these in the circumstances. There are a number of other monitoring services available to her. So, if she decides to take out similar monitoring services with another provider, Equifax should cover the cost for the first two years. Ms C finds herself in this position because of an error by Equifax. So I don't think it's fair to expect her to have confidence in it. And neither should she have to incur costs for any reasonable actions she takes to protect herself as a result of the error. She's now signed up for CIFAS and Equifax has offered to reimburse her for the cost which is £20. I think that's fair and reasonable.

why does Equifax hold details about Ms C and can these be deleted?

Ms C says she didn't buy the product and wasn't aware Equifax had stored her details. But because Equifax is a credit reference agency it's entitled to hold personal information on behalf of banks and other financial organisations. And for those reasons we can't ask it to delete her details.

trouble and upset

Some of Ms C's personal details were accessed by an unauthorised third party so I can see she would be upset and worried by this. I know she doesn't think £100 is sufficient to compensate for the time it's taken her to deal with Equifax's mistake. But our awards aren't designed to punish a business. Instead we take a fair and reasonable approach, taking into account the individual circumstances of the complaint. In this case, I agree with our investigator that Equifax pay Ms C a sum of £100 for the time it's taken her to deal with its mistake and for the additional stress it's caused her. I feel this is a fair amount and in line with what we would recommend in other cases with broadly similar circumstances.

my final decision

My decision is that in full and final settlement Equifax Limited must

- Provide Ms C the free online services it's already offered for two years. If she wants to take this out with another provider it must cover the costs for this.
- Refund Ms C the Cifas Protective Registration she's already paid for.
- Pay Ms C £100 for the trouble and upset it's caused her.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms C to accept or reject my decision before 11 November 2018.

Linda Freestone
ombudsman