

## **complaint**

In summary, Mr D complains about adverse information which was added to his credit file in respect of a debt currently owned by Cabot Financial (Europe) Limited. He says that this has meant he lost out on a mortgage offer and it has caused him a great deal of distress and anxiety.

## **background**

Cabot says that the adverse information was added in error by the original owner of the account ('Bank A'). It says that when Mr D complained it sent requests to the credit reference agencies to have the information removed from his credit file.

Our adjudicator did not recommend this complaint be upheld. She noted that Cabot was not responsible for the original error, and that its actions on receipt of Mr D's complaint were reasonable.

Mr D disagrees. In summary, he says that Cabot owes him a duty of care to ensure that any data it records on his credit file is accurate. He says that its negligence has caused him a great deal of distress and financial loss and it has also ignored him.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Mr D has said that Cabot recorded adverse information on his credit file. However, although Cabot bought the account from Bank A, in this case the adverse information was added as a result of an apparent error by Bank A. Cabot continued to report the information as the current owner of the account. However, it did not originally record the adverse data. In this case I consider a complaint about the registration of the adverse information on Mr D's credit file should be fairly directed at Bank A rather than Cabot.

Here I am considering the actions of Cabot in response to Mr D's complaint. Overall, I consider that it acted fairly. Mr D says it ignored him but I can see that it wrote to him with the outcome of its investigation within a reasonable time after he complained. And it apologised and informed him of the action it had taken to resolve the matter. Cabot says that it contacted the credit reference agencies to have the adverse information removed.

I have carefully considered the relevant information here including Cabot's system notes. I find these to be credible and they reinforce what Cabot says it did to resolve the matter. Overall, I am persuaded that soon after Mr D complained to Cabot, it got in touch with the credit reference agencies to request that they remove the inaccurate information. Mr D said that this did not happen as one of the credit reference agencies did not remove the adverse information. From looking at Cabot's system notes I am persuaded that it was aware that not all the credit reference agencies had removed the adverse information. And that it followed this up with continued requests to that credit reference agency to have the information changed.

From the evidence available to me, I consider that Cabot took appropriate steps to resolve the matter, and that it was down to the credit reference agencies to react appropriately to its requests. Any failure by a particular credit reference agency to remove the inaccurate data should fairly be considered as a separate complaint against that credit reference agency.

I am of course sorry to hear about the frustration and anxiety this situation has caused Mr D. However, as I am not satisfied that Cabot has acted in error here I am unable to fairly recommend that it pay him compensation.

**my final decision**

I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr D to accept or reject my decision before 20 April 2015.

Mark Lancod  
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