

complaint

Mr and Mrs L complain that information Halifax holds, relating to a debt Mr L once had, is unfairly affecting the bank's decisions to lend them money.

our initial conclusions

The adjudicator did not recommend that the complaint should be upheld. She was satisfied the bank was able to disregard the information about Mr L's previous debt when making lending decisions and the £230 already paid was adequate compensation. Mr and Mrs L did not agree and said the bank's lending decisions are still being affected.

my final decision

To decide what is fair and reasonable in this complaint, I have considered everything that Mr and Mrs L and the business have provided.

The bank's records indicate that Mr L once had a credit card which fell into arrears, the debt was eventually sold to a third party and subsequently repaid. This all occurred some years ago and the debt is no longer showing on Mr L's credit file, so I do not consider the debt should affect any other bank or building society's decision to lend them money.

Halifax still holds details of the debt but it is not for me to dictate what factors it should take into account when deciding whether or not to lend to any individual. It also seems clear the bank can choose to disregard this information and may have already done so with regards to some (if not all) of Mr and Mrs L's later applications for credit.

The bank told Mr and Mrs L a number of times, incorrectly, that the information relating to Mr L's debt would be removed from his records. And they spent some time and money on telephone calls in this respect. However, the bank has already paid £230 to Mr and Mrs L and I am satisfied this is fair and reasonable in all the circumstances.

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr and Mrs L either to accept or reject my decision before **10 June 2013**.

signed:

date: 9 May 2013

Ruth Lewis

ombudsman at the Financial Ombudsman Service

The ombudsman may complete this section where appropriate – adding comments or further explanations of particular relevance to the case.

ombudsman notes

what is a final decision?

- A final decision by an ombudsman is our last word on a complaint. We send the final decision at the same time to both sides – the consumer and the financial business.
- Our complaints process involves various stages. It gives both parties to the complaint the opportunity to tell us their side of the story, provide further information, and disagree with our earlier findings – before the ombudsman reviews the case and makes a final decision.
- A final decision is the end of our complaints process. This means the ombudsman will not be able to deal with any further correspondence about the merits of the complaint.

what happens next?

- A final decision only becomes legally binding on the financial business if the consumer accepts it. To do this, the consumer should sign and date the acceptance card we send with the final decision – and return it to us before the date set out in the decision.
- If the consumer accepts a final decision before the date set out in the decision we will tell the financial business – it will then have to comply promptly with any instructions set out by the ombudsman in the decision.
- If the consumer does not accept a final decision before the date set out in the decision, neither side will be legally bound by it.