

## **complaint**

Mr S makes a number of complaints about Vanquis Bank Limited following unauthorised credit card transactions.

## **background**

Mr S says there were a number of unauthorised credit card transactions on his credit card statement which meant he was being asked to pay a higher minimum repayment amount. He says he spoke to Vanquis about this in June 2018 but it was more concerned about the payment and not in cancelling his card and protecting his personal data. Mr S says he made the required monthly payment but Vanquis then charged him late payment fees and reported that to the Credit Reference Agencies (CRA's). He would like Vanquis to rethink its approach about data breaches and accept his payment was in time.

Vanquis accepts Mr S's monthly repayment increased by about £16 as a result of the disputed transactions but Mr S ought to have repaid his usual repayment of £90. It has issued a number of responses to Mr S's complaints but in summary accepts it should have done more when Mr S told it about the transactions. Vanquis has paid £25 compensation for this and offered a further £25 and apologised. It says Mr S made his June 2018 payment late and that is why it charged a late payment fee but it's refunded three late payment fees. Vanquis says it's correctly reported the position to the CRA's.

Mr S brought his complaint to us and two investigators have issued views. I will only summarise the second view. The investigator thought Vanquis ought to have acted earlier when Mr S told it about the disputed transactions but thought it had paid and offered a fair and reasonable amount of £50 compensation in addition to its apology. The investigator didn't think that meant Vanquis had mishandled Mr S's personal data and thought Mr S had made his payment for his May 2018 statement after the correct date. So Vanquis hadn't made a mistake by charging a late payment fee.

Mr S doesn't accept that view and says there was a serious General Data Protection Regulation (GDPR) breach and Vanquis is wrong to say he didn't make the payment in time.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so I've come to the same overall view as the second investigator reached and for the same reasons.

I can see that Mr S says he had similar problems with his bank at the same time as the disputed transactions appeared on his Vanquis credit card bill. I don't think that means that Vanquis was responsible for what took place or that it's possible to conclude that Vanquis has mishandled Mr S's personal data. But I accept that Vanquis ought to have acted quicker than it did and I can see that it accepts that and has paid and offered what I think is a fair and reasonable amount of compensation. I don't think Mr S suffered any financial loss as a result of that short delay before his account card was cancelled.

I appreciate that Mr S says he then made a payment on time and shouldn't have been charged a late payment fee. But I have looked at Mr S's account details and statements and I'm satisfied that his May 2018 statement required a payment by 18 June 2018. But that the payment was made after that date. I'm satisfied that in line with the account terms and conditions which I think Mr S would have agreed to when the account was opened that

Vanquis was entitled to charge a late payment fee. So I don't think Vanquis made a mistake or acted unfairly by doing so and by reporting that information in line with its duties to the CRA's.

I also appreciate that Mr S says his minimum payment had increased as a result of the disputed transactions and that was unfair. But I think in line with the account terms and conditions Mr S was obliged to continue making monthly repayments even if there was a dispute. And I would have expected him in those circumstances to have made a payment in line with what he thought he owed and within the required period that was on his account statement.

I can see that Vanquis fairly refunded a number of late payment fees in any event. And as I think it has a duty to accurately report the account position to the CRA's I can't fairly order it to remove that information.

Overall I'm satisfied Vanquis has dealt fairly with this complaint and I will leave it to Mr S to decide if he wishes to accept its offer of further compensation. I'm also satisfied this brings an end to what we in trying to sort out this complaint informally can do to.

#### **my final decision**

My final decision is that I don't uphold the main part of this complaint and that Vanquis Bank Limited has made a fair and reasonable offer of further compensation. Mr S's acceptance of that offer would be in full and final settlement of this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 2 April 2020.

David Singh  
**ombudsman**