

## **complaint**

Mrs B complains that Equifax Limited didn't protect her personal details.

## **background**

Equifax's parent company was the subject of a cyber-attack. The attackers gained access to Mrs B's name, date of birth and phone number. Equifax accepted that Mrs B could be exposed to cold callers, and offered £100 in recognition of the inconvenience caused. It also offered her a number of services she could use to monitor her credit file for any suspicious activity.

Mrs B didn't think Equifax had done enough. In summary, she didn't think the compensation offered was proportionate to Equifax's error and the distress this had caused. Mrs B also thought Equifax had taken too long to tell her about the data breach, and had wider concerns about its business practices.

Our investigator thought the suggestions Equifax had made to allow Mrs B to monitor her credit file were reasonable. She said that if Mrs B decided to apply for protective registration with Cifas, Equifax should cover the cost for the first two years. The investigator also considered Equifax should cover the cost of using a third party monitoring service for two years, if Mrs B didn't want to use Equifax Protect or Web Defend. If Mrs B was the victim of fraud within the first two years, the investigator said Equifax should cover the cost of protection for a further two years.

The investigator didn't find there was any evidence to show that Mrs B had been a victim of fraud. But she said if this happened in the future Mrs B could make a further complaint to Equifax.

The investigator accepted that Mrs B had been upset and worried by the situation, and that she may have received increased nuisance calls as a result of the data breach. But she thought the £100 offered by Equifax was reasonable in light of the inconvenience caused.

The investigator said this service couldn't ask Equifax to remove the data it held for Mrs B, and that some of the other issues she'd raised were more suitable for consideration by the Information Commissioner's Office and the Financial Conduct Authority.

Mrs B disagreed with the investigator's conclusions and asked for her complaint to be reviewed by an ombudsman.

## **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 that Equifax has made a mistake in the handling of Mrs B's personal information. If, as a result of that, Mrs B has suffered any financial loss we would expect Equifax to make good that loss. So I have to decide whether Equifax has done enough. And if it hasn't, what more should it do?

### ***length of time it took for Equifax to notify Mrs B about the cyber attack***

The cyber attack happened in May 2017 and Mrs B thinks Equifax should have told her about the breach much sooner than it did. But I do think it was reasonable for Equifax to do a full investigation to work out which customers had been affected and the full extent of the data loss.

***what if Mrs B becomes a victim of fraud at a later date?***

Equifax can't give Mrs B any assurance this won't happen in the future. I understand that Mrs B has already done what she can to protect herself against identity theft and fraud.

Equifax has also offered to register Mrs B with Protective Registration from Cifas and cover the cost for two years, which I think is reasonable.

I agree with the investigator that if Mrs B wants to use third party protection services (rather than services offered by Equifax), Equifax should cover the cost for the first two years.

If Mrs B becomes a victim of fraud during that time, and this is due to Equifax's error, I think Equifax should extend the period of cover for two more years, at no cost to Mrs B.

***other issues***

As the investigator explained, the Information Commissioner's Office is considering the wider issues surrounding Equifax's data breach. It may not be able to consider the particular circumstances of Mrs B's complaint – which is the role of this service. So even though the ICO hasn't finished its investigations, that doesn't stop this service from considering the extent to which Equifax's error has affected Mrs B.

***trouble and upset***

Some of Mrs B's personal details were accessed by an unauthorised third party so I can see she would be worried and upset by this. Her phone number was accessed without her authority and I understand she has received an increase in nuisance calls. Mrs B has also told us why she has taken care to protect her phone number for many years, and why this issue creates a greater level of worry than simply receiving nuisance calls.

In light of what she'd told me, I accept that in her particular circumstances she will be very concerned about having her phone number in the hands of an unauthorised third party. So I think the compensation paid by Equifax should be increased to £200.

I appreciate that Mrs B is unlikely to consider that this properly reflects the seriousness of Equifax's mistake. But our awards are not designed to punish a business. We take a fair and reasonable approach taking into account the individual circumstances of the complainant. I think 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 Equifax Limited should:

- Cover the cost of protective services for Mrs B for two years if she wants to take this up, and
- Pay Mrs B £200 for the trouble and upset it's caused her.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs B to accept or reject my decision before 18 October 2018.

Caroline Stirling  
**ombudsman**