

complaint

Mr N complains that NewDay Limited recorded a search on his credit file. He says he never applied for a NewDay product. He wants the search taken off.

background

Mr N says he never applied for a NewDay product. He thinks the search by NewDay on his credit file is a mistake. So he wants it removed.

NewDay says it doesn't have any details of an application by Mr N. It says it doesn't keep records of searches for more than 42 days unless a consumer disputes its decision. So that may explain why. But it says Mr N must've made an application for a search to show on his credit file.

Our adjudicator upheld the complaint. She didn't feel NewDay had been able to show Mr N had applied for one of its products. She recommended the search be taken off Mr N's credit file. Mr N accepted this. NewDay didn't. It believes Mr N made an application for one of its credit cards. So the search should stay on his credit file.

my findings

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

I've seen a copy of Mr N's credit file. There's no dispute that it shows a search by NewDay in 2015. Mr N says he never applied for a NewDay product. And has no contact with the address linked to the search. But the address appears in several other places on Mr N's credit file. And it's linked to different institutions not just NewDay. I think it's unlikely they all would've made a mistake.

But NewDay can't give us any evidence Mr N applied for one of its credit cards. It says if a consumer doesn't dispute its decision within 42 days it destroys all information relating to a search. That's frustrating. But as NewDay can't give us any evidence Mr N applied for one of its products I agree with our adjudicator that it would be best if NewDay removed the search from Mr N's credit file.

my final decision

My final decision is that I uphold this complaint. In full and final settlement NewDay should remove the search from Mr N's credit file.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr N either to accept or reject my decision before 5 September 2016.

Bridget Makins
ombudsman