

complaint

Mr B is unhappy with the way NewDay Cards Ltd (trading as Aqua) dealt with his application for a credit card and its response to his complaints.

background

Mr B applied online for an Aqua credit card on 20 April 2015. On 22 April, Mr B contacted NewDay to check the progress of his application. NewDay said he'd get a letter in 3-5 days. Mr B contacted NewDay again on 29 April as he hadn't received anything. He was told he would have to reapply as some of the information on his application seemed to be wrong. Mr B complained about the way his application had been dealt with.

NewDay explained Mr B would need to reapply using the correct information and apologised for the delay in dealing with his concerns. It offered Mr B £20 for inconvenience caused to him.

Mr B complained to us. He felt he hadn't been given reasons for his application not being accepted. He thought this should've been done in writing. He asked for NewDay to apologise, give an assurance this wouldn't happen again, and pay £30 for his phone and postage costs, and a copy of the application he'd submitted.

After the complaint came to us NewDay increased its offer to £30. It said the information it held on Mr B was limited as he wasn't a customer. NewDay said it couldn't tell Mr B what was wrong on his application as it might be 'tipping off' a fraudster. NewDay later allowed the Financial Ombudsman Service to tell Mr B the date of birth on his application appeared to be wrong.

Our adjudicator explained that our role isn't to obtain information Mr B might want from NewDay, or change how it operates its business. The adjudicator said NewDay didn't write to Mr B within 5 days of 22 April, as it said it would. NewDay might've replied later, but Mr B made a formal complaint on 29 April, so NewDay addressed that instead. The adjudicator felt NewDay did tell Mr B why his application had been unsuccessful. He thought the £30 offered by NewDay fairly compensated him for any inconvenience.

Mr B disagreed with the adjudicator. On 3 September, he said he would send a letter explaining why. On 15 September Mr B said he couldn't progress any further because he wanted to wait for a response from the Information Commissioner's Office (ICO) about his complaint against NewDay. Mr B hasn't sent anything else to us, though. As Mr B disagreed with the adjudicator's views, his complaint has been passed to me to make a decision.

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 decided not to uphold Mr B's complaint and I'll explain why.

Mr B applied for the credit card online. It seems clear to me he made a mistake when he typed in his date of birth. I can understand why NewDay couldn't accept his application, as the birthdate Mr B gave didn't match the one on his credit reference file.

NewDay said it looked at Mr B's application on 23 April – the day after Mr B contacted it and was told he'd get a letter in 3-5 days. NewDay didn't send a letter in that time, so Mr B contacted it again. NewDay should've sent the letter promptly. Because it didn't, Mr B contacted it on 29 April. I don't see any reason to think NewDay wouldn't have written to him if he hadn't contacted it first. Anyway, I think NewDay gave Mr B enough information on 29 April for him to know what the problem was. It told him some information he'd given was wrong. If he'd reapplied – and, presumably, wouldn't have made the same mistake again with his date of birth – it's possible NewDay would've accepted his application.

I think the only thing NewDay did wrong was not to have written to Mr B within the 3-5 days it said it would. I can't tell when NewDay would've written to him if Mr B hadn't contacted it in the meantime – on 29 April. As it was, Mr B was given the reason his application hadn't been accepted 9 days after he made it. I don't think this was unreasonable.

NewDay took quite some time to tell us – and we then told Mr B – that the information it had a problem with was the date of birth. I can understand why it didn't tell Mr B this straightaway though. If this had been a fraudulent application, telling a fraudster what they'd got wrong would certainly help them to get it right next time. And, assuming Mr B's was a genuine application, it would have been reasonable for NewDay to expect his simple mistake would be put right if he resubmitted his application.

Mr B said he's unhappy with how NewDay dealt with his requests for the information it held about him. I think the only information it had was what he supplied in the application form. I know Mr B has also complained about NewDay to the ICO. But our role is to decide if NewDay made mistakes that need to be put right, and how it should do that. As I've explained, apart from a delay in sending Mr B a letter, I don't think anything NewDay did was unreasonable. I think the £30 NewDay offered Mr B is fair compensation for his inconvenience. That's why I haven't waited for Mr B to get a reply from the ICO before issuing this decision.

my final decision

My decision is that NewDay Cards Ltd should pay Mr B £30.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 14 December 2015

Carol Jackson
ombudsman