

complaint

Mr J complains that Equifax Ltd didn't protect his personal details.

background

Equifax's parent company was the subject of a cyber-attack. The attackers gained access to Mr J's name, date of birth and phone number. Equifax accepted that Mr J could be exposed to cold callers. It offered him a number of protection services he could use to monitor his credit file for any suspicious activity.

Mr J didn't think Equifax had done enough. He'd had difficulty signing up to the protection service offered by Equifax, and had lost confidence in its ability to keep his data safe.

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

Our investigator thought the suggestions Equifax had made to allow Mr J to monitor his credit file were reasonable. Even though Mr J had struggled to register for Equifax's protection service, the investigator didn't think there was enough evidence to show that this was Equifax's fault.

The investigator also said that if Mr J decided to apply for protective registration with Cifas, Equifax should cover the cost for the first two years.

Mr J had lost confidence in Equifax's ability to keep his data safe, but the investigator explained that this service couldn't tell Equifax to delete the data it held for him.

The investigator accepted that Mr J had been inconvenienced by the situation and so he recommended Equifax should pay £100 compensation.

Mr J wasn't happy about this. He said, in summary, that he would only accept the investigator's conclusions if Equifax deleted all of the information it held for him. He also remained unhappy about the amount of time he'd spent trying to access the protection service offered by Equifax, and its failure to help him when he was having difficulty.

Mr J's complaint has been passed to me for a final 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.

There's no dispute that Equifax has made a mistake in the handling of Mr J's personal information. If, as a result of that, Mr J 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?

From what I've seen, there is nothing to suggest that Mr J has been the victim of fraud. But Equifax can't give Mr J any assurance this won't happen in the future. It offered its free protection service to Mr J, but I understand he had difficulty registering for the service. He's said that when he'd tried to register, his details were already recorded on the portal which meant he couldn't use the promotional code he'd been given.

I can understand Mr J's frustration when he had difficulty registering with Equifax's protection service. But like the investigator, I haven't been able to safely conclude that the registration issues Mr J experienced were Equifax's fault.

Given the experience he's had, I can also understand Mr J's reluctance to use with the protection services offered by Equifax. There are a number of other monitoring services available. So he may decide to take out a similar one with another provider. If he does this Equifax should cover the cost for the first two years. Mr J finds himself in this position because of Equifax's mistake. So it's reasonable that he will be reluctant to use its services in the future. And he shouldn't have to cover the costs for any reasonable actions he takes to protect himself.

Our investigator recommended Equifax should pay £100 in recognition of the worry caused to Mr J due to his personal details being accessed by an unauthorised third party. I know Mr J doesn't think this enough. 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.

In this case I agree with our investigator that Equifax should pay £100 for the trouble and upset caused. I think this is a fair amount and in line with what we would recommend in other cases with broadly similar circumstances.

I can understand why Mr J might want Equifax to delete all of the information it holds for him. But it's beyond the remit of this service to ask Equifax to remove the information as he would like. Equifax may be able to tell him which businesses supplied the data, so that if he wants to pursue this point he can liaise with those businesses.

my final decision

My decision is that Equifax Ltd should:

- Provide Mr J with the online services it has already offered for two years, or cover the cost of an alternative service, and
- Pay Mr J £100 for the trouble and upset it's caused him.

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

Caroline Stirling
ombudsman