

complaint

Ms W complains that Equifax Ltd didn't protect her personal details.

background

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

Ms W didn't think Equifax had done enough. She was unhappy that Equifax was holding data for her, and wanted it to remove the information from its records.

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

The investigator thought the suggestions Equifax had made to allow Ms W to monitor her credit file were reasonable. The investigator also said that if Ms W decided to apply for protective registration with Cifas, Equifax should cover the cost for the first two years.

Ms W wanted Equifax to remove all information it held for her from its records. But the investigator explained that Equifax has a legitimate reason to hold the data, and that this service can't ask for it to be deleted.

The investigator accepted that Ms W had been inconvenienced by the situation and so she recommended Equifax should pay £100 compensation.

Ms W didn't agree with the investigator's conclusions. In particular, she wanted to challenge the basis on which Equifax was holding her data. She asked for an ombudsman to review her complaint.

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 Ms W's personal information. If, as a result of that, Ms W 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?

I appreciate that Ms W would like Equifax to remove the data it holds for her from its records. She's explained why she thinks it's unlikely that she gave consent for information to be passed to and stored by Equifax.

Equifax has a legitimate reason for processing personal data, in that the information is relied on by lenders and other agencies to decide whether to provide credit. That means Equifax doesn't need consent to process data, provided customers are told what will happen to it.

Even though Ms W says she hasn't changed her banking, credit or utility arrangements for many years, I think it's likely she would've been told that her data would be shared with credit reference agencies when the accounts were originally set up.

As such, it's beyond the remit of this service to ask Equifax to remove the information as Ms W would like.

From what I've seen, there is nothing to suggest that Ms W has been the victim of fraud. And I'm satisfied that the services Equifax has offered Ms W so that she can monitor her credit information are reasonable.

I agree with our investigator that Equifax should pay £100 for the trouble and upset caused to Ms W. 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 Ltd should pay Ms W £100 for the trouble and upset it's caused her.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms W to accept or reject my decision before 11 October 2018.

Caroline Stirling
ombudsman