

## **complaint**

Mr T complains he has been bombarded with telephone calls and emails by Vanquis Bank Limited despite asking Vanquis to remove his name from their marketing records. He is also unhappy that his account has not been closed and an overpayment returned to him.

## **background**

The adjudicator did not recommend that the complaint was upheld. She concluded that emails had been sent by affiliates of Vanquis. Vanquis had asked its affiliates to remove his name from their databases. Also Mr T could have opted out of receiving such emails. The adjudicator noted Vanquis had closed Mr T's account and had sent him a cheque for the £1 balance. Because he had not received it, Vanquis sent him another cheque.

Mr T says he continues to be harassed by Vanquis. He asked Vanquis to remove his mobile telephone number from their records but this was not done. He is also concerned his personal data may be in the public domain as a result of Vanquis's processes. Mr T believes Vanquis has been dishonest in reporting that his account was closed when it was not.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. Having done so, I find I come to the same conclusions as the adjudicator and for much the same reasons.

Where the evidence is incomplete, inconclusive or contradictory (as some of it is here), I reach my decision on the balance of probabilities – in other words, what I consider is most likely to have happened in the light of the available evidence and the wider circumstances.

Mr T has previously made a complaint about telephone calls by Vanquis. That complaint was resolved by this service. I therefore only deal with his complaint about calls by Vanquis after September 2013.

Vanquis has provided evidence of five calls made in November 2013. Some of those calls were unanswered. This is not excessive. Mr T has provided a list of telephone numbers of callers. He says these calls were made by Vanquis but there is no evidence that all these calls were by Vanquis. They may have been from affiliates of Vanquis but Vanquis has asked its affiliates to remove Mr T's name from their records. Vanquis also placed a block on his account, before it was closed, to ensure he was not contacted. I am satisfied Vanquis has acted reasonably on Mr T's request not to be contacted for marketing purposes.

I do not consider it unreasonable for the account to remain open while there was a balance of £1 in January 2014. I also find it reasonable for Vanquis to issue a statement in February showing a nil balance. There is no evidence that the account was not closed in a timely manner. The fact Vanquis wrote to Mr T to say the account was closed is not an indicator that the account was closed on the date of that letter. It could have been closed before that date.

I am satisfied that Vanquis acted reasonably when it sent a cheque to Mr T by post. It cannot be held responsible for non-delivery. Nor would I expect Vanquis to be able to provide proof of posting in such a situation; it would be an unreasonable burden on a business to obtain proof of posting each time it sends a cheque to a customer.

There is no evidence that Mr T's personal data has been mismanaged by Vanquis. Nor is there evidence that Vanquis has not acted on Mr T's instructions to remove his telephone number from their records. I note Mr T does not suggest in recent correspondence with the adjudicator that Vanquis has telephoned him. I am satisfied therefore that Vanquis has acted appropriately on Mr T's instructions.

I realise my decision will be a disappointment to Mr T but I am unable to find that Vanquis has done anything wrong.

**my final decision**

My decision is that I do not uphold this complaint.

Angela Black  
**ombudsman**