

complaint

Mr H complains that Loans 2 Go Limited shouldn't have contacted him by phone and mis-used his personal information.

background

In 2014 Mr H was behind in repayments for a fixed sum loan he took out with Loans 2 Go. He found Loans 2 Go unsympathetic - because it carried on phoning him after he asked it to use other forms of contact. Mr H says Loans 2 Go also phoned his friends and relatives and disclosed sensitive information. He considers this has severely and adversely affected his health and finances – so Loans 2 Go should apologise, write off the loan, return his car registration documents and pay compensation for all he has been through.

Loans 2 Go says it didn't know Mr H had different communication needs. It acknowledges that he asked for written communications, but didn't appreciate the significance of that request. Loans 2 Go has apologised and says it stopped phoning Mr H once he explained about his health problems. Loans 2 Go denies mis-using personal information. It says Mr H gave permission and provided details of people to contact if Loans 2 Go couldn't get hold of him. And it denies that any personal or sensitive information was disclosed during those communications.

Our adjudicator didn't recommend that the complaint should be upheld. She's satisfied Loans 2 Go stopped phoning Mr H (after he explained about his health problems) and offered different ways of communicating. And she says it's wasn't unreasonable for Loans 2 Go to contact the individuals Mr H named, as it hadn't heard from him.

Mr H disagrees. He says Loans 2 Go acted unreasonably - and never offered to deal with him properly by email or in a branch. And his permission to contact others was limited to certain circumstances - and didn't include the right to disclose personal information.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. I have reached the same conclusions as our adjudicator 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.

I can see that Mr H has experienced some difficult personal circumstances. I understand he feels very strongly that Loans 2 Go should have done more to help with the health problems he faces. And I have no doubt he would rather Loans 2 Go hadn't contacted his friends and relatives.

I have considered what happened carefully. And I want to reassure Mr H that I have taken everything he has said into account. I can see that Mr H asked Loans 2 Go to correspond with him in writing - but he didn't explain at first why it shouldn't contact him by phone. So I can't fairly find Loans 2 Go acted unreasonably when it phoned him initially. And I'm satisfied it took steps to change the way it contacted Mr H after it was told he had different communication needs.

I'm satisfied that Mr H provided details, and gave permission, for Loans 2 Go to contact certain individuals if it couldn't get hold of him. I appreciate that's not permission to talk to those people about his loan. But I have seen no evidence that Loans 2 Go did so. And I can't safely conclude that Loans 2 Go did anything wrong in the circumstances.

I am not persuaded that there are sufficient grounds here for me to find that Loans 2 Go acted unreasonably - or to require it pay compensation or write off Mr H's loan. I realise this decision is likely to come as a disappointment to Mr H, as it's not the outcome he hoped for. But he doesn't have to accept it and his legal rights remain intact. I leave it to Mr H to decide if he wishes to refer the matter of data use to the Information Commissioner's office.

Mr H says he is experiencing financial difficulties. He may wish to seek the assistance of a free source of money advice (such as StepChange¹) going forward. And I remind Loans 2 Go of its obligations to treat customers in financial hardship sympathetically and positively.

my final decision

My decision is that I do not uphold this complaint. Under the rules of the Financial Ombudsman Service, I am required to ask Mr H to accept or reject my decision before 2 July 2015.

Claire Jackson
ombudsman

¹ www.stepchange.org.uk
www.citizensadvice.org.uk