

complaint

Mr A complains about the way that Erudio Student Loans Limited has dealt with his student loans.

background

Mr A had three student loans that were transferred to Erudio in 2014. Mr A has made previous complaints about the way that Erudio has dealt with his student loans. And he's now complained that Erudio has shared his personal data outside of the EU, it's been classifying loan deferments as credit applications on his credit file and the notice of assignment is fraudulent and not valid. He wasn't satisfied with its response so complained to this service.

The investigator didn't recommend that this complaint should be upheld. She didn't think that Erudio was sharing data outside of the EU and Erudio had said that it hasn't reported any information about Mr A's loans to credit reference agencies (and she asked Mr A to provide any evidence which showed that it had recorded adverse information on his credit file). And she sent Mr A a copy of the notice of assignment that Erudio had provided. So she didn't think that Erudio had done anything wrong.

Mr A has asked for his complaint to be considered by an ombudsman. He says, in summary, that he didn't receive a notice of assignment so it's misleading for Erudio to suggest that he did, the document that he received isn't headed "notice of assignment" and Erudio has provided a fraudulent version of the notice to this service. He says that he didn't agree to his data being shared outside the UK in his loan application and that Erudio has recorded loan deferments as credit applications on his credit file. He also says that Erudio ignored his letters for more than a year.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. We offer an informal dispute resolution service. We try to resolve complaints by customers about financial businesses by looking at what we consider to be fair and reasonable in the circumstances. Although we do take account of applicable law and regulations, we also consider the overall situation. So it's possible that a court would reach a different outcome to the decision that I've made. And we have no regulatory or disciplinary role over those businesses. So I'm unable to require any of them to change the way that it conducts its business. And our role isn't to punish a business if it's done something wrong.

In the fair processing notice that Erudio sent to Mr A it said that it may process data outside the EEA provided that security measures are in place. But it's confirmed that it doesn't share any data outside of the EU (and neither does its parent company). And, subject to it complying with the General Data Protection Regulations, I'm not persuaded that it would be unreasonable for it to transfer data within the EU. Mr A hasn't provided any evidence to show that his data has been handled illegally. And I don't consider that there's enough evidence to show that Erudio has handled Mr A's data unfairly or unreasonably.

Erudio has said that it hasn't reported any information about Mr A's loans to the credit reference agencies. And I've been provided with no evidence to show that Mr A's credit file includes information recorded by Erudio. So I'm not persuaded that there's enough evidence

to show that Erudio has been reporting Mr A's loan deferments as credit applications on his credit file.

Mr A received a letter from Erudio explaining the assignment of his loans. He says that it wasn't headed as a "notice of assignment" so was invalid and that the notice of assignment that has been provided by Erudio is fraudulent. But it's clear from the documents that Mr A and Erudio have provided to this service that Mr A's loan was being assigned to Erudio. And I'm not persuaded that there's enough evidence to show that Erudio has fraudulently created the notice of assignment. So I don't consider that there's enough evidence to show that Erudio has acted unfairly or unreasonably in connection with the notice of assignment.

Erudio says that it didn't receive the letters that Mr A sent to it in 2015 about these issues. It says that it did receive a letter from him in April 2016 but that it wasn't responded to in error - and it has asked that its apologies be extended to Mr A for that. Mr A will have suffered distress and inconvenience when he didn't receive responses to his letters. But I'm not persuaded that an award of compensation is appropriate in these circumstances.

my final decision

For these reasons, my decision is that I don't uphold Mr A's complaint.

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

Jarrold Hastings
ombudsman