

Complaint

Ms O complains that NewDay Ltd (trading as Aquacard) reported the wrong date of birth to the credit reference agencies and went on to block a Notice of Correction she tried to register.

Background

Ms O completed a credit card application in January 2014. Ms O's date of birth was given in her application form.

Ms O says she returned the credit card a short time after it was received as she decided it wasn't right for her. Ms O also says she's not responsible for any transactions that were carried out after she returned her credit card.

Ms O has made various complaints to NewDay over the years. In May 2019 Ms O referred her complaints to us and her case was passed to an adjudicator. The adjudicator said most of the issues raised hadn't been referred to us in time which meant we couldn't consider them. On 19 December 2019 an ombudsman looked at Ms O's case and agreed that our service couldn't look at the majority of the issues she had raised because they hadn't been referred to us within the time limits given in our rules. The ombudsman said our service could look at Ms O's complaints about her date of birth.

The adjudicator went on to give their view on whether NewDay had made a mistake when it reported Ms O's date of birth. But the adjudicator said the date of birth matched the one given in Ms O's original application and didn't find NewDay had made a mistake. The adjudicator also said NewDay couldn't block a Notice of Correction from being added to Ms O's credit file. Ms O remains unhappy that this service isn't able to look at the main points she's raised. Ms O asked for her complaint to be appealed so it's been passed to me to make a 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.

I know Ms O remains unhappy that we are only able to look at certain parts of her complaint. But another ombudsman has already made a decision concerning whether we can consider all of Ms O's complaint. The decision was sent on 19 December 2019 and explains why we can only look at Ms O's concerns relating to her date of birth. In this decision, I'm only going to talk about Ms O's complaints relating to her date of birth and attempt to register a Notice of Correction.

Ms O completed and signed an application form on 17 January 2014. The application gave information about Ms O's personal and financial circumstances, including her address, income and date of birth. The application form is handwritten and, as I've said, Ms O signed it. The application Ms O completed gives her date of birth as 13 April 1952, which is the date NewDay reported to the credit reference agencies.

I know Ms O has told us the date of birth is wrong. But I'm satisfied NewDay has reported her date of birth in line with the information Ms O provided in the application form. I haven't found any evidence that NewDay made a mistake. In its file submission to this service,

NewDay said it can update Ms O's information (including how it reports her date of birth) if she provides some up to date identification, like a passport or driver's licence. I leave it to Ms O to get in contact with NewDay to provide the necessary identification so it can update her date of birth.

Ms O also complains that NewDay has blocked a Notice of Correction she's tried to add. But NewDay has confirmed in its final response dated 16 May 2019 that it can't block a Notice of Correction. I haven't seen evidence that shows NewDay tried to stop Ms O registering a Notice of Correction.

I'm sorry to disappoint Ms O but I'm satisfied her date of birth is recorded in line with the information NewDay obtained in her credit card application. NewDay says it can amend Ms O's date of birth if she provides acceptable identification. I haven't found that NewDay has blocked a Notice of Correction Ms O tried to register. As I haven't found anything to show NewDay has made a mistake or treated Ms O unfairly, I'm not telling it to take any further action.

My final decision

My decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms O to accept or reject my decision before 10 September 2020.

Marco Manente
Ombudsman