

complaint

Mr H complains that PRA Group (UK) Limited ("PRA") didn't provide their bank details so he could make payments towards his debt with them.

background

Mr H's credit card debt was sold to PRA but when Mr H contacted them to set up payments he didn't pass their security checks. They wanted details that Mr H says would have been sent to them by the bank with whom he had the original debt and Mr H didn't think it was fair for them to ask him for these details again.

So he kept writing to PRA to ask for their bank details and they wouldn't send them until he provided information to pass security. Mr H wrote to PRA and told them that unless they provided him with account details he would consider the debt settled and the issue closed. But having not received any payment towards the account, about a year later, PRA appointed a debt collection company to pursue the payment through the courts. Mr H says that at this point he had no option but to set up a repayment plan with them. But he complained to PRA that he'd still not been through their security process.

PRA accepted that they could have supplied their bank details earlier. They noted that Mr H had contacted them on three occasions to ask for bank details but they'd not been able to provide them because information they needed under data protection legislation, to make sure they were dealing with the right person, was not provided. They said that although they were obliged to ask for this information they should also have provided the bank details that were required by Mr H. So, they apologised and offered him £50 compensation in recognition of their error.

But Mr H was disappointed by their response and he therefore referred his complaint to this service and our adjudicator took a look at the evidence that had been provided. The adjudicator didn't think PRA needed to do anything else. He accepted that it would have been reasonable for them to provide bank details when requested, but he thought their offer of compensation was reasonable in the circumstances. He explained that the debt was clearly still due and the arrears letters Mr H had been sent did give the account details he would need in order to make a payment. And he also explained that we didn't have the authority to overrule any court action that had been taken.

But Mr H disagreed and he asked for a final decision by an ombudsman.

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 it will disappoint Mr H but I agree with the adjudicator's opinion and for similar reasons. Please let me explain why.

Where the information I've got is incomplete, unclear or contradictory, as some of it is here I have to base my decision on the balance of probabilities.

I've read and considered the whole file, but I'll concentrate my comments on what I think is relevant. If I don't comment on any specific point it's not because I've failed to take it on board and think about it but because I don't think I need to comment on it in order to reach what I think is the right outcome.

I can see that PRA accepted they made a mistake when not sending Mr H their account details. It would certainly have been difficult for him to make a payment to his account. But thereafter, I can see that the regular statements Mr H received would have provided this information. So any disadvantage was short lived and I therefore think PRA's offer of compensation was reasonable; as Mr H hadn't been particularly disadvantaged.

The debt still existed and although Mr H asserted that if PRA didn't provide bank details he'd assume the debt was cleared, it wasn't. PRA still reminded him of this debt in the statements it provided and were entitled to pursue repayment through the courts.

PRA has explained that the information Mr H provided the courts with, in his notice of acceptance of liability, was enough for them to identify him and they therefore didn't need any further information to conform to their data protection obligations. I think that's reasonable and that they've been fair in the compensation they've provided and their pursuit of the debt with Mr H. So I don't think they need to take any further action.

my final decision

For the reasons I've given above I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 16 December 2018.

Phil McMahon
ombudsman