

## **complaint**

Mr Q is unhappy that having asked American Express Services Europe Limited not to contact him on his landline telephone number, a debt recovery agency commissioned by Amex did so. He is also unhappy at the number of calls and emails he received and says these constitute harassment.

## **background**

Mr Q was called by a debt recovery agency in relation to a debt on his Amex credit card account. His wife heard the message and did a google search to find out who had called, discovering the identity of the debt recovery agency. Mr Q says this has caused marital problems. He is also unhappy the landline call, several emails and calls to his mobile were made by the agency. He says this constitutes harassment. Amex offered £100 compensation in its final response letter. Mr Q rejected this.

The adjudicator recommended that this complaint should be upheld in part. He concluded that the calls and emails did not constitute harassment. However, he concluded the debt recovery agency was at fault in contacting Mr Q on his landline against his wishes. He also concluded it was reasonably foreseeable that a connection would be made with the debt recovery agency by anyone hearing the message that was left. He recommended that Amex pay Mr Q £250 compensation.

Amex disagrees. It says that extensive investigation would have been needed to establish who the agency was from the voice message that was left. It is not prepared to pay £250.

## **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 sympathy with Mr Q who has been inconvenienced and upset by the message left on his landline voicemail. I note Amex has acknowledged its error in allowing its agent to use the landline, but does not accept the message left was problematic. As a result, it does not agree with the award recommended by the adjudicator.

While I accept that Amex says the message was incongruous, I agree with the adjudicator that in all the circumstances it not only proved not to be, but it was foreseeable that it would not be. Indeed it was remarkably easy for Mr Q's wife to discover who had called her husband so urgently. I consider the nature of the "urgent" message such as to invite investigation. I also agree with the adjudicator that it was reasonably foreseeable that anyone hearing the message would either call back immediately or undertake research into who had called. I am also satisfied that it was reasonably foreseeable that a fairly cursory search would uncover the identity of the caller from the information left.

Therefore, I agree with adjudicator that Amex and its agent were at fault and is responsible for the distress and inconvenience Mr Q complains of. I am satisfied this could have been avoided had no calls been made to his landline, in accordance with his request.

As a result, I consider it fair and reasonable that Amex pay a higher amount of compensation than the £100 in relation to its error of allowing the landline telephone to be called.

**my final decision**

My final decision is that I uphold this complaint. I order American Express Services Europe Limited to pay Mr Q £250 compensation for his distress and inconvenience as a result of its error, in full and final settlement of this complaint.

Zoe Copley  
**ombudsman**