

complaint

Mrs A complains that Lowell Financial Ltd wrongly sent a letter to her husband's email address about a debt she had.

background

Mrs A had debts (which I shall call P and Q) with two different companies. Lowell wrote to Mrs A in 2014 to say it had purchased debt P, which was for over £4,000. It wrote to her in June 2015 to say it had purchased debt Q, which was for just over £100. Mrs A had email contact with Lowell about debt Q, and used her husband's email address for that. Later Lowell sent a letter about debt P to her husband's email address. He didn't know about that debt, only about debt Q. Mrs A complains that Lowell had no right to make contact about debt P via her husband's address, rather than her own. It had caused difficulties in their relationship.

Our adjudicator did not recommend that the complaint was upheld. He said he didn't think it was unreasonable for Lowell to have tried to contact Mrs A at the last email address she had used to contact it. Lowell had updated its email address records after her previous contact from her husband's address.

Mrs A disagreed and asked for an ombudsman to review the complaint. She said that she had not given Lowell permission to update her email address details. She questioned whether, if she had called from a different phone or paid with a different card, it would have changed those details too. She felt that Lowell had taken advantage of her situation. It had caused unnecessary distress at a time of financial hardship.

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 can appreciate that it would have been better, in the situation here, if Lowell had checked whether the new email address Mrs A had used (her husband's) was now the correct one for any future emails. But I have to base my decision on what is fair and reasonable, not whether there was a better approach which could have been taken. So was it reasonable for Lowell to use the new address?

On balance, I think so. Mrs A had already used that new address to correspond about one debt. Generally if someone is using a particular email address to make contact about one account, they will be content to use it for another. And businesses won't necessarily be able to record different addresses to use in respect of different accounts held by the same person. If someone starts using a new email address, and the business doesn't also start using that one, there is a risk the person might not get any future mail if they have stopped using the previous address.

I don't think Mrs A's comparison with using a payment card is valid because there are particular requirements about getting authorisation for payments. And with a phone call or a letter, if you make contact from a different temporary address/number, that won't always be obvious to the recipient: whereas with an email it will. Even personal computer systems will often record the new address automatically as one available to contact that person. So if you send anyone an email from a particular address, you have to expect that they may have

recorded it and use it again if they need to contact you: unless you say that you do not wish them to do so. But Lowell had no reason to think that using the address Mrs A had used about debt Q, would cause difficulty if it was also used for debt P.

So overall, on balance, I think Lowell had reasonable grounds for thinking that that was an address Mrs A was content to use for any future correspondence. And so I do not think I have grounds to uphold the complaint.

my final decision

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs A to accept or reject my decision before 5 September 2016.

Hilary Bainbridge
ombudsman