

## **complaint**

Ms R complains Lowell Financial Ltd ("Lowell") incorrectly registered information on her credit file. She's also unhappy it won't send her the information she asked for free of charge.

## **background**

Ms R has been in dispute with Lowell for a number of years. It bought a number of debts she said weren't hers, and reported information about these accounts to various credit reference agencies.

She asked Lowell to provide her with certain documentation. Some of the information she asked for was sent, but not everything. She said she should be sent everything she asked for free of charge, but Lowell didn't agree and asked her to pay a fee.

Ms R has contacted this service before about this dispute, and an ombudsman issued a final decision. Since then she's raised some connected, but new, issues that she wants us to consider.

Our adjudicator looked at the complaint, and said she wasn't able to consider the issues that had already been covered by an ombudsman's decision.

In relation to the new points, she said:-

- Although Lowell has now decided not to pursue Ms R for the remaining debts it says are owed, it doesn't have to mark these as settled;
- Lowell doesn't need to tell Ms R the debt owed is now £0;
- Lowell isn't expected to provide information to Ms R without the payment of a fee.

Ms R didn't agree, and so the complaint is now with me for a final decision. Ms R says she still feels she should get the information she wants free of charge, and that Lowell should make changes to the information on her credit file.

## **my findings**

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Ms R has previously complained to this service about the enforceability of the debt and the efforts taken by Lowell to recover it. As another ombudsman has already issued a final decision about this, I can't consider these points further.

However, there are some issues my colleague didn't consider, and while I appreciate Lowell has said the complaint shouldn't be looked at on the basis it's a duplicate of a previous one, these issues are new.

### *changes to the credit file*

Since Ms R's last complaint Lowell has agreed not to pursue her for the debts it says she owes. This was Lowell's own decision, and not something we said it had to do.

Despite this gesture, it still declined to amend her credit file, and she's unhappy about this.

A credit file should include information which is a true and accurate reflection of events. I've looked at the credit report sent to us by Ms R and I agree that what it shows is correct. Ms R hasn't settled the debt or reached an agreement with Lowell regarding repayment, so it wouldn't be reasonable to expect it to report information suggesting this has happened.

So I'm not going to ask Lowell to make any changes to Ms R's credit report.

*the amount owed*

Lowell's right to ask for repayment has already been considered and it wasn't found that it had acted incorrectly. Its subsequent decision not to seek that repayment from Ms R doesn't mean it's written off the debt or reduced it to £0.

Were Ms R to be provided with letters from Lowell saying the debt owed is £0, I couldn't say the content of these would be true. Therefore it wouldn't be fair for other people who might see that information to rely upon it.

As such, I agree that Lowell doesn't need to provide Ms R with letters stating that she doesn't owe it any money.

*providing information for a fee*

Ms R has pointed to regulations she feels show Lowell has to provide information to her free of charge. I'm afraid I don't agree with her on this point.

Data access legislation allows for a fee to be applied for providing information, and I see no reason for Lowell to waive this for Ms R.

It's explained it's no longer willing to correspond with her on the matter, but if she does make the required payment I would expect it to provide her with a proper response at that stage.

**my final decision**

My final decision is that Lowell Financial Ltd doesn't need to take any further steps to resolve this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms R to accept or reject my decision before 4 February 2016.

Ashley L B More  
**ombudsman**