

complaint

Mr G has complained that his car insurer, Aviva Insurance Limited passed his information to third parties without his permission. Mr G called Aviva to tell it about an incident in September 2017.

background

Mr G bought a car insurance policy with Aviva. In September 2017 he said somebody hit his car and drove off. Mr G was able to take a note of the registration details and he called Aviva to discuss the incident. Mr G decided not to make a claim.

Mr G said he received contact from other companies about the incident. He said he only discussed the incident with Aviva. So he complained to Aviva as he believed it had passed his information to third parties without his permission.

Aviva investigated Mr G's complaint. It said it couldn't find anything to show it had passed his details to a third party.

Mr G remained unhappy, so he asked us to look at his complaint. He didn't think it was fair that Aviva had recorded the incident on the Central Underwriting Exchange (CUE) database. He didn't want his premium to increase when he renewed his policy. Mr G said he only called Aviva for advice. He says he received a letter from a solicitor which said Aviva had got in touch with them. Our investigator asked Mr G to send us a copy of the letter. But we haven't received a copy of the letter.

The investigator thought Aviva had acted reasonably. It investigated Mr G's concerns and couldn't find any link between Aviva and the companies Mr G had been contacted by.

Aviva has confirmed it's recorded the incident on CUE as a 'non fault' claim with no costs. Mr G's No Claims Discount (NCD) has been allowed and it was closed as a notification only.

Mr G didn't accept the investigator's findings. He wants us to contact the solicitors to ask them where they got Mr G's details from.

So the matter has been passed to me to decide.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Having done so, I don't intend to uphold it. I'll explain why.

It's not for us to contact third parties for evidence. We take an even handed approach by considering the information provided by both the business and the customer.

In April 2018 the investigator asked Mr G to provide a copy of the letter from a solicitor which he says shows Aviva passed his details to them. But he hasn't provided this.

Aviva's file notes show it investigated Mr G's concerns. In November 2017 it told Mr G;

- *'Aviva does not sell, or pass on the details of customer claims to claims management companies.*
- *We have reviewed your case and I can confirm we have not found any connection to Aviva with regard to the calls you received and your claim.*
- *We have not found any link between your case and any others we are aware of currently.'*

Our investigator explained that it isn't our role to decide if Aviva breached any data protection laws. She provided Mr G with details of the Information Commissioner's Office so that Mr G can contact them directly.

There isn't anything to show me that Aviva passed Mr G's details to third party companies.

Aviva, like many insurers, have agreed to update any incidents or claims on a central database called CUE. This database is used by insurers to check the information it has is correct and is designed to help prevent fraudulent claims. It is a standard term in most insurance policies that a customer should report any incidents to their insurer, irrespective of whether it results in a claim or not.

So I don't think Aviva has acted unreasonably by recording the incident. And it says it's closed the record as a notification only. CUE has some standard terminology which it and insurers use to recognise the details of any incident or claim. In this case, the incident has been recorded as a 'non fault' claim as there were no costs involved for Aviva. And so Mr G's NCD hasn't been discounted as a result.

Aviva says it's written to Mr G to confirm this. Insurers consider previous incidents or claims when deciding a premium for a customer. This is a commercial decision by each insurer, so it's not something I can hold Aviva responsible for. I think it was fair of Aviva to record the incident correctly on CUE.

I understand Mr G may be disappointed with my decision. But taking everything into account, I don't think Aviva has done anything wrong. So I'm not upholding his complaint.

my final decision

For the reasons I've given above, my final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 25 July 2018.

Geraldine Newbold
ombudsman