

complaint

Miss Y complains that Bank of Scotland will not deal with her directly to discuss a repayment plan on her loan. She is unhappy that her account is being handled by debt collection agents and believes that this breaches her data protection rights.

background

A default notice was issued in January on Miss Y's loan account after the breakdown of a repayment plan Miss Y had agreed with Bank of Scotland. A debt collection agent was appointed. Miss Y previously complained to this service about the appointment of a debt collection agent. The adjudicator dealing with that complaint said in August 2011 that Bank of Scotland was entitled to appoint a debt collection agent. Miss Y had reached an agreed repayment plan, interest was suspended and she made payments until November 2011. When these payments stopped further debt collection agents contacted Miss Y to attempt to arrange repayment plans.

The adjudicator looking at this new complaint did not recommend that it should be upheld. She did not consider that Bank of Scotland acted unreasonably by instructing debt collection agents to pursue the debt. She said that this was consistent with the Lending Code and that Section 230 stated that all relevant information should be passed on to a debt collection agency.

Miss Y did not agree and wanted her complaint further reviewed. She did not consider that the reference to the Lending Code by the adjudicator was helpful.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Having done so, I find I come to the same conclusion as the adjudicator and for mainly the same reasons.

I appreciate that Miss Y is not happy to have to deal with debt collection agents and that they have been given personal information about her financial situation. But, I am afraid that Bank of Scotland has done nothing wrong in her case. Where it considers that reasonable attempts to reach a repayment plan directly have failed, as it says they had in Miss Y's case in 2011, it is entitled to appoint debt collection agents. It has provided its agents with relevant information about the debt that they have been instructed to collect. If one agent is unsuccessful in reaching an agreement Bank of Scotland it is not unreasonable for it to appoint a different agent.

I appreciate Miss Y will be disappointed by my decision.

my final decision

In light of the above, my final decision is that I do not uphold this complaint.

Michael Crewe
ombudsman