

complaint

Mr H has complained that Experian Limited provided a poor service when he asked about a fraud marker on his file.

background

Mr H said he didn't get a job because of information on his credit file.

He asked Experian for an explanation. It told him a bank had registered a Cifas (fraud) marker against him. He said he'd never held an account with the bank or done anything fraudulent. He asked for a copy of his report.

There wasn't a Cifas marker on the report. He contacted Experian again. It told him it'd made an error. There was no marker.

He made a data subject access request (SAR). This showed he did have a Cifas marker.

Mr H was confused and upset. He complained to Experian.

Experian admitted there was a Cifas warning on his file but he wouldn't have seen it. There are some warnings, which are visible to Cifas members but not the consumer. This was one of those warnings. It said it discussed the warning with him in error when he first called.

It apologised for the level of service it provided. It reimbursed him £54.98 he'd paid for reports and paid him £25 for the inconvenience it caused him.

Mr H didn't think this was fair so he complained to this service.

Our adjudicator said Experian admitted it'd made a mistake and apologised. She thought its offer was a fair and reasonable settlement of his complaint.

Mr H disagreed with our adjudicator. He wants more compensation. He said the Cifas marker has affected his health and made him anxious. He said he can't get a job because of it and this has gone on for six years.

He's asked for an ombudsman's final decision.

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'm afraid to say I'm not upholding Mr H's complaint.

I consider Experian's offer is a fair and reasonable way to settle this dispute. It explained what went wrong and apologised for its mistake.

I think the inconvenience caused to Mr H by its mistake was minimal. I appreciate he might be finding it hard to get a job but I can't see how Experian is to blame for this. Similarly, I don't consider its mistake was so serious that it affected his health.

I can see why he found this situation frustrating. How can he ask about a Cifas marker if he can't see it on his file and doesn't know it's there? If Experian hadn't mentioned it in error, he might not have thought about making a SAR. But this service can't ask Experian or Cifas to change how it operates. Besides, he now knows if he wants to see the warnings, which are currently hidden from him, then he needs to contact Cifas and make a SAR. He will have to pay a fee this.

In these circumstances, I won't be asking Experian to do anything more. As our adjudicator's explained this service doesn't have powers to punish or fine a business. And we can't ask the business to discipline staff.

I'm sorry this will be disappointing news for Mr H but I hope the reasons for my decision are clear.

my final decision

My final decision is I'm not asking Experian Limited to do anything.

It remains open to Mr H to accept its offer of £54.98 for his reports and £25 for the inconvenience it caused him.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 16 April 2018.

Razia Karim
ombudsman