

complaint

Mr H complains that ARC (Europe) Ltd wrongly contacted him to ask for repayment of a debt that wasn't his.

background

ARC bought the debt from the original lender. The lender gave ARC Mr H's contact details, but the debt wasn't anything to do with him. Mr H complained to ARC in December 2016, but ARC says it didn't receive his letter. By the time ARC received Mr H's complaint, it had already passed the account back to the original lender. In its final response to his complaint, ARC said that it did receive contact from the correct consumer in November 2016. Mr H wants to see a copy of that contact and wants to know why ARC continued to contact him after it'd heard from the correct individual. Mr H says he wants compensation for the distress caused and the impact on his credit file.

Our investigator didn't recommend that the complaint should be upheld. He concluded that ARC didn't act unreasonably in contacting Mr H using the details provided by the lender.

Mr H didn't agree saying, in summary, that ARC should provide a copy of the contact it received in November 2016 from the correct consumer.

my findings

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

When ARC purchased the debt from the original lender it relied on the consumer contact details given to it by the lender. I find it acted in good faith in using these contact details to try to seek repayment of the debt.

Mr H wrote to ARC to complain in December 2016. But ARC says it didn't receive Mr H's letter. It did investigate what had happened when it heard from Mr H again in May 2017. But by this time, it had already passed the debt back to the original lender.

ARC said that it received contact from an individual, who it now believes to be the correct consumer, on 1 November 2016. It sent two further letters to Mr H after this date so Mr H, understandably, wants to know more about the contact on 1 November and wants to know why he was still contacted after this date.

It seems that ARC was given Mr H's postal address for contact but the correct consumer's work phone number. The correct consumer e-mailed ARC to ask it not to contact him at work. This email did not include any mention of a postal address. So ARC removed the work phone number from its records, updated the email address, but continued to use Mr H's address to send letters. I don't think it acted unreasonably at the time. It was only when it investigated the complaint that it realised the contact in November 2016 was from a different individual to the one it had been writing to.

Whilst I understand it was troubling for Mr H to receive correspondence about a debt that wasn't his, I can't conclude that this was due to a mistake by ARC. It acted in good faith using the information provided to it by the lender. Mr H has already brought a complaint to this service about the lender and a final decision has been issued.

my final decision

For the reasons I have explained, my final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 16 October 2017.

Elizabeth Dawes
ombudsman