

complaint

Mr T complains that Experian Limited will not comply with his instruction to remove financial associations with his wife that are showing on his credit report.

background

Mr T accepts that, for the purposes of credit reference information, some limited registration of financial association with his wife may be appropriate.

But he wants Experian to remove any mention of financial association with his wife from other accounts or applications, which he says were not joint. He also considers that some entries may be out of date.

Mr T explains that the reason for his request to Experian was because his wife is in a debt management plan, and he does not want that to affect his own future ability to obtain credit.

Experian says that, where there has been a joint account or application, the financial association must remain. As Mr T remains dissatisfied, he has brought his complaint to this service where it has been investigated by an adjudicator.

From the investigation, the adjudicator concluded that most of the financial associations with his wife shown on Mr T's Experian credit file needed to be deleted – but that some should remain. The adjudicator explained the associations to Mr T, and Experian agreed with the adjudicator's recommendation that it delete the specified financial associations and pay Mr T £100.

Mr T did not agree with this recommendation and said, in summary:

- £100 compensation is derisory, given that Experian is a multi-million pound organisation which operates credit files for millions of people.
- He sees no reason for the entry relating to the closed joint mortgage account to be still showing, given the length of time since it was repaid.
- The statute of limitations for financial transactions is seven years, and so entries relating to anything older than that should be removed.
- He has the right to be forgotten, under European Union law. He also has a right to have his private life protected, under human rights legislation. Even criminal convictions do not have to be declared after a certain amount of time. This should be reflected in his Experian file.
- Until he is provided with proof that all the accounts shown as joint were, in fact, taken out jointly the entries should be removed from his Experian file.

my findings

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

Once the adjudicator began their investigation, enquiries were made about a number of financial associations on Mr T's file, including obtaining information from the financial organisations that registered financial material – and this led to many of them being removed by Experian. The adjudicator identified other financial associations that ought to be removed, too.

But there are some remaining financial associations that, like the adjudicator, I consider Experian is not obliged to remove. I shall cover each separately:

- Entry L3 relates to a mortgage account taken by Mr T jointly with his wife. While this account has now been repaid, it was a joint application and account by Mr and Mrs T and is not, in my view, one that Experian is obliged to remove.
- Experian has no general duty to delete associations that are over six years old simply because of their age, and so I do not consider that it is obliged to do so in this case.
- Entries L6, L8 and L9 relate to accounts all held with the same lender. That lender has told us that its records show the accounts to be in joint names and so I do not consider that Experian is obliged to remove those associations.
- Entry L15 is in respect of the joint mortgage account that Mr T holds with his wife, and so there is no reason why that should be removed – as Mr T appears to accept.

Mr T has provided a letter from a prospective lender, which was based on a credit search with another credit reference agency but which Mr T says would have been the same if Experian had been used (as the financial associations held by both credit reference agencies were essentially the same).

This letter simply says that Mr T's loan request was declined due to information held on his credit file. I do not consider that this is sufficient evidence to establish that the decision to decline the loan was caused by financial associations wrongly retained at that time on Mr T's Experian file.

Overall, I consider that the adjudicator's recommended outcome represents a fair and proportionate settlement of this complaint. My awards are not fines – they are based on the effect of the wrong act or omission by the financial business, not on the financial business's size or value.

my final decision

My final decision is that I uphold this complaint in part. Some entries have already been deleted, but for the sake of completeness I shall include all the entries in my direction. I direct Experian Limited to:

- delete entries L1, L2, L16, L4, L5, L7, L10, L11, L12, L13, L14, L17 and L18 from Mr T's credit file; and
- pay Mr T £100.

Jane Hingston
ombudsman