

complaint

Ms L complains that Equifax Ltd didn't protect her personal details.

background

Equifax's parent company was the subject of a cyber-attack. The attackers gained access to Ms L's name, date of birth and phone number. Equifax accepted that Ms L could be exposed to cold callers, but suggested she register with the Telephone Preference Service (TPS). It also offered her a number of services she could use to monitor her credit file for any suspicious activity.

Ms L didn't think Equifax had done enough. She'd become nervous about speaking to people on the phone, and hadn't opened any new bank accounts since her data was breached.

Our investigator thought the suggestions Equifax had made to allow Ms L to monitor her credit file were reasonable. She said that if Ms L decided to apply for protective registration with Cifas, Equifax should cover the cost for the first two years.

The investigator didn't find there was any evidence to show that Ms L had been a victim of fraud. But she said if this happened in the future Ms L could make a further complaint to Equifax.

The investigator accepted that Ms L had been upset and worried by the situation and so she recommended Equifax should pay her £100 compensation.

Ms L wasn't happy about this. She said she'd received a number of nuisance calls and texts following the breach and that the recommended compensation wasn't enough. She asked for an ombudsman to review her complaint.

my findings

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

There's no dispute that Equifax has made a mistake in the handling of Ms L's personal information. If, as a result of that, Ms L has suffered any financial loss we would expect Equifax to make good that loss. So I have to decide whether Equifax has done enough. And if it hasn't, what more should it do? For ease of reference I'll follow the same headings as our investigator.

any losses for becoming a victim of fraud due to the error?

I understand that Ms L may be worried that her personal details might be used by a fraudster. But I agree with our investigator that there isn't enough evidence for me to conclude this has happened.

what if Ms L becomes a victim at a later date?

Equifax can't give Ms L any assurance this won't happen in the future. It's offered to register Ms L with Protective Registration from Cifas, which I think is reasonable. I agree with the

investigator that if Ms L decides to take up this offer, Equifax should cover the cost of registration for the first two years. Ms L finds herself in this position because of Equifax's mistake, so she shouldn't have to cover the costs for any reasonable actions she takes to protect herself.

trouble and upset

Some of Ms L's personal details were accessed by an unauthorised third party so I can see she would be worried and upset by this. Her phone number was accessed without her authority and I understand she has received more nuisance calls and texts. She can register with the Telephone Preference Service.

But in addition I think Equifax should compensate her for the trouble and upset caused. I know Ms L doesn't think the amount of compensation recommended by the investigator is enough. But our awards are not designed to punish a business. We take a fair and reasonable approach taking into account the individual circumstances of the complainant.

In this case I agree with our investigator that Equifax should pay £100 for the trouble and upset caused. I think this is a fair amount and in line with what we would recommend in other cases with broadly similar circumstances.

my final decision

My decision is that Equifax Ltd should:

- Cover the cost of Protective Registration for Ms L with Cifas for two years if she wants to take this up, and
- Pay Ms L £100 for the trouble and upset it's caused her.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms L to accept or reject my decision before 5 October 2018.

Caroline Stirling
ombudsman