

## **complaint**

Mr H complains that EQUIFAX LIMITED didn't protect his personal details.

## **background**

In May 2017 Equifax's parent company was the subject of a cyber attack and the attackers gained access to some of Mr H's personal details. Equifax told him the details included his name, date of birth and landline telephone number. It offered him a number of free services for one year to monitor his credit file for any unusual activity. If he was still concerned at the end of this period it said it would extend his cover at no charge. If he made a Subject Access Request (SAR) for all the data it held in his name it would waive the £10 fee. And it offered him £50 to compensate for the poor customer service it gave him.

Mr H didn't think Equifax had done enough. He's unhappy about the length of time it took to tell him about the breach. He's never been a customer of Equifax so he wants it to remove his details. And since this has happened he's been receiving numerous scam phone calls.

Our investigator could understand why Mr H was upset and worried by the unauthorised access to his personal details. And she said Equifax should pay £100 for the trouble and upset it'd caused. But she thought the steps it'd now suggested to protect him in the future were fair and reasonable.

Mr H wasn't happy with this. The delay meant he couldn't protect his accounts by changing passwords. The customer service staff were incompetent. And he thought the level of compensation was too low.

## **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 Mr H's personal data so we would expect it to make good any financial loss that he's incurred as a result of its error. So I have to decide two issues. Has Equifax done enough? If not what more should it do?

### ***length of time it took for Equifax to notify Mr H about the cyber attack.***

Mr H is unhappy about the length of time it took for Equifax to tell him about the breach. But I agree with our investigator it was reasonable for Equifax to identify the full extent of the breach and the impact on Mr H before informing him. Mr H said if it'd warned him about the breach immediately he could've changed his passwords. But the data that was compromised didn't include his email address or his current financial information. So, as our investigator said, he wouldn't have been exposed to a high level risk of fraudulent activity. And I haven't seen sufficient evidence to conclude he's become a victim of fraud during that delay or since.

### ***other monitoring services***

Equifax has offered Mr H free services to monitor his credit file. I can understand his reluctance to sign up to these in the circumstances. Equifax made a mistake in protecting his personal details. So I don't think it's fair to expect him to have confidence in its services. There are a number of other monitoring services available to him. So, if he decides to take out similar monitoring services with another provider, Equifax should cover the cost for the first two years.

### ***why does Equifax hold details about Mr H and can these be deleted?***

Mr H says he never entered into an agreement with Equifax to store his details. So he wants it to remove his account from its database. But because Equifax is a credit reference agency it's entitled to hold personal information on behalf of banks and other financial organisations. And for those reasons we can't ask it to delete his details. It could see Mr H had asked for a copy of all the data it holds on him. It explained this is a Subject Access Request (SAR) which usually costs £10. But it said it would waive this fee.

### ***increase in unwanted calls***

Mr H says he's had a significant increase in bogus calls. And he thinks he's already registered with the Telephone Preference Service (TPS). He can check on its website to confirm he's registered although this registration isn't likely to stop all unwanted calls. But it's possible his phone provider may be able to help by offering him a free blocking service. If there is a cost involved Mr H can speak to our investigator who will ask Equifax to cover the cost for him.

### ***trouble and upset***

Some of Mr H's personal details were accessed by an unauthorised third party. So I can understand how upset and worried he is by this particularly as he's had an increase in unwanted phone calls. So I think Equifax should compensate him for the trouble and upset this has caused him.

Equifax didn't give him a very good or prompt service following the notification of the error. It has explained it couldn't respond as quickly as it would've liked due to the large volume of queries. But I think the service it gave Mr H contributed to his trouble and upset.

When we decide on awarding payments for trouble and upset, any awards we make aren't designed to punish a business. Instead we take a fair and reasonable approach, taking into account the individual circumstances of the complaint. In this case, I agree with our investigator that Equifax should pay Mr H a sum of £100 for the trouble and upset caused. I feel 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 in full and final settlement Equifax Limited must

- Provide Mr H the free online services it's already offered. If he wants to take these out with another provider it must cover the costs for this.
- Pay Mr H £100 for the trouble and upset it's caused him.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 22 December 2018.

Linda Freestone  
**ombudsman**