

## **The complaint**

Mr T has complained AXA Insurance Designated Activity Company has incorrectly recorded his driving data under his telematics policy.

For simplicity, all references to AXA include its agents who have provided the telematics data.

## **What happened**

AXA advised Mr T that it had recorded four speeding events via its telematics data between September 2022 and April 2023. Mr T disputes that the data is correct. As the details of this complaint are well known to the parties I won't repeat them again here.

## **What I've decided – and why**

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

I'm aware I've summarised the background to this complaint. No discourtesy is intended by this. Instead, I've focused on what I find are the key issues here. Our rules allow me to take this approach. It simply reflects the informal nature of our service as a free alternative to the courts. If there's something I haven't mentioned, it isn't because I've ignored it. I've fully reviewed the complete file and considered all the representations Mr T made before and after our investigator's view. I'm satisfied I don't need to comment on every individual argument to be able to reach what I think is the right outcome.

I recognise that Mr T will be very disappointed by my decision and I'm sorry this decision doesn't bring more welcome news. But for the following reasons I agree with the conclusion reached by our investigator:

- I've considered the speeding events in September and December 2022 and April 2023. I haven't disregarded Mr T's detailed submissions regarding these events and others. It serves no purpose to repeat the details well known to the parties. But on balance I'm not persuaded that it was unreasonable for AXA to rely on this data, I'll explain why.
- AXA has explained that speed is captured using the GPS on the mobile device. The application reports the location and speed every minute during a journey and is scheduled to report the fastest speed in the proceeding minute in order to record the fastest point in any minute of a journey. I have considered the evidence Mr T has submitted from a mechanical engineer which states that GPS is not an accurate means of recording speed and shouldn't be used in areas where there is poor mobile phone signal. He concluded that there were major inconsistencies in the data being collected. Mr T has pointed out that there are 'black spots' in the area where speeding events have been recorded. However AXA has confirmed that all speeding events are verified before being confirmed and if there are inconsistencies speeding events will be automatically removed. This was the case with speeding events

recorded in September 2022 (and May 2023). It clarified that the software does not track or assume vehicle speed during periods of GPS signal loss. I find that this explanation is persuasive and fair. I don't accept, as Mr T suggests, that as a speeding event was cancelled signifies that AXA is not confident in its telematics data.

- Further AXA has confirmed that the data it obtains undergoes rigorous testing, peer reviews, analysis and verification processes, carried out by a specialist third party software provider. I'm persuaded that Mr T's data has been thoroughly reviewed and validated. On balance, I'm satisfied that it can confirm Mr T's speeding events with accuracy. For completeness I should add that AXA has not suggested that Mr T's driving was 'dangerous', only that speed events or 'red' events had been recorded.
- I'm satisfied that AXA has provided Mr T with the data relating to the speeding events recorded. It was sufficient for him to understand when the events are said to have occurred and to challenge those events.
- Mr T has detailed why he disputes his car, first registered in 1994, is able to accelerate at the speed suggested. I accept it is very likely to have slower speeds than newer cars. However his evidence that when new it could travel 59bph and accelerate from 0-60 in 15 seconds *isn't* at odds with AXA's data, or sufficient to show that the speeding events were 'physically impossible'.
- Mr T agreed to the terms and conditions of his telematics policy when taking it out. I understand he was concerned that his policy would be cancelled because of events he considers to be incorrect and the implications this may have for him. AXA has recently confirmed it is able to offer Mr T a standard policy and has written to Mr T explaining this. I'm pleased to note his telematics policy wasn't cancelled.
- I recognise that Mr was dissatisfied with his telematics policy and has gone to great lengths to explain why. I acknowledge that this matter has been stressful for him and I'm grateful for his submissions. But in all the circumstances I'm not persuaded that AXA has done anything wrong or treated Mr T unfairly.

### **My final decision**

For the reasons I've given, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 3 November 2023.

Lindsey Woloski  
**Ombudsman**