

## **The complaint**

Miss M complains Transunion International UK Limited are incorrectly reporting a County Court Judgement (CCJ) on her credit file.

## **What happened**

Miss M says in January 2022, it came to light that a CCJ had been registered against her incorrectly and it was appearing on her credit file. Miss M says the CCJ isn't hers - although the first name on the CCJ is her name, the first two letters of the surname are missing. So, Miss M contacted all three Credit Reference Agencies (CRA's) to ask them to remove it. Miss M says two of the CRA's have removed it, but Transunion haven't.

Miss M says having a CCJ incorrectly recorded on her credit file is impacting her ability to apply for credit and this issue has impacted her wellbeing. Miss M wants Transunion to remove the CCJ from her credit file and to compensate her for the distress caused.

Transunion say they've relied on the right evidence to say the CCJ is being recorded correctly against Miss M. Transunion recognised the surname on the CCJ was slightly different to Miss M's in that it didn't have the first two letters. But they said there was no evidence to suggest this was nothing more than a typing error made by the court that recorded the information. Transunion noted too that the address provided for the CCJ was the same as Miss M's address. As such, Transunion said they weren't able to remove the CCJ from Miss M's credit file.

Miss M referred the matter to this service, and one of our Investigators considered what had happened. In summary, she said while there was a small difference in the surname being reported in the CCJ, other details such as the address, were the same as Miss M's. Our Investigator also said Transunion were relying on information that was being reported by the courts about the CCJ and so she didn't think Transunion had acted unfairly.

Miss M disagreed. In summary, she said the address on the CCJ was an old address and that she hadn't lived there in a while. Miss M said there were a number of occupants at the address and that she believes some of her details are being used for fraudulent purposes – Miss M provided us with pictures of the address part on correspondence that were sent to the address she used to live at and the same one that's registered on the CCJ. The pictures show the letters were addressed using Miss M's first name but the incorrect surname as the first two letters of the surname are missing – this is the same format as the name provided on the CCJ.

Miss M says she also contacted the courts and because she wasn't the named defendant on the claim form, she said they were unable to provide her with the details of the CCJ. So, Miss M feels this is an error, as the CCJ doesn't have her correct surname. Because of this, the complaint has been passed to me to decide.

I issued a provisional decision on the matter, setting out the below:

*Transunion have explained they receive information about CCJs from R, which operates the*

*Register of Judgments, Orders and Fines for England and Wales. Transunion source data from third party's such as County Courts - the data isn't theirs to alter or remove without authority from the data owner. However, due to their company policy, Transunion didn't raise a dispute with R as they said R haven't previously been able to assist. Given it's the courts who decide CCJ's, I don't find Transunion have acted unfairly in not raising a dispute on behalf of Miss M.*

*Having looked at a copy of the CCJ, I can see the title and first name is the same as Miss M's. However, the surname is missing the first two letters. The address is also one that Miss M said she lived at and more recently, Transunion have provided further detail showing the date of birth on the CCJ is the same as Miss M's. So, overall, the details on the CCJ match those of Miss M's, except for the surname. Having thought about all of this, I don't find Transunion's conclusion of the discrepancy in the surname being an administrative error by the court, to be unreasonable.*

*I appreciate Miss M believes her details are being used fraudulently. And she's provided us with pictures of the address on letters that were also in the same name as the one on the CCJ. I've carefully considered this evidence; however, it doesn't persuade me that what Transunion are reporting in terms of the CCJ is incorrect. And I haven't seen anything to suggest there was anyone else, whose details match those recorded on the CCJ, living at the same address Miss M lived at.*

*Miss M has said two other CRA's have removed the CCJ, but Transunion haven't. I understand Miss M's concern, but I can only look at whether Transunion have done anything wrong in the circumstances of this case. And I've not seen enough evidence to persuade me they have.*

*For these reasons, I don't currently think Transunion have acted unfairly in reporting the CCJ against Miss M.*

*I note Miss M told us the next step she'll take is to disassociate herself from the CCJ by filling out a form with Transunion. While I appreciate my decision will likely come as a disappointment to Miss M, this may be something she wants to explore with Transunion.*

## **Responses to my provisional decision**

Transunion responded but didn't have anything further for me to consider.

Miss M responded and in summary, made reference to parts of what was said in the background section of my decision. Miss M also said Transunion's suggestion that there was an administration error made by the courts was without merit and disproved. Miss M said there was no evidence to suggest Transunion have acted fairly and she was also able to provide us with a copy of the court judgement confirming the details of the CCJ – including the name of the company who applied for the CCJ and the period of the CCJ, which showed as for charges arising in relation to the supply of electricity between August 2020 and September 2021.

Miss M clarified the CCJ has had an impact on her wellbeing because of the adverse information on her credit file which she says was caused by Transunion's unlawful action. Miss M reiterated she wanted Transunion to stop reporting the CCJ against her credit file.

I asked Miss M for evidence of where she was living during the period the CCJ was for and also asked for details about whether she was responsible for paying for the electricity at the address on the CCJ during this period.

Miss M said she lived at the property until June 2020 and confirmed she wasn't paying the electricity at the time. Miss M also questioned why she would need to provide further evidence and initially said she didn't see the relevance of my questions.

### **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.

Miss M has made some points in relation to several paragraphs of the background of my decision. The background is what has happened in Miss M's complaint about Transunion and not what I think about the complaint. My thoughts are detailed in the findings section of my decision. I'm also sorry to read of the impact this issue is having on Miss M and her health.

In response to my provisional decision, Miss M has questioned what I meant when I said Transunion say they relied on the "right evidence". She's also provided us with a copy of the court document setting out details of the CCJ. This evidence includes the same details as the information provided to our service and relied upon by Transunion (in addition to the confirmation from R that the CCJ was recorded for Miss M), just in a different format. So, what I meant by "right evidence" was a copy of the CCJ details and the confirmation from R. I'm sorry for any confusion caused.

Miss M initially questioned why I would need evidence of where she was living at the time and reiterated that she wasn't living at the address at the time. The reason I asked for this was to understand whether Miss M was living at the address at the time and whether she had evidence she could show to the courts. Despite not seeing evidence of this, when Miss M completed her complaint form, she gave us the address that was on the CCJ, as the address for us to write to. This seems inconsistent with what Miss M has said that she no longer lived there.

Miss M previously said there has been fraud committed against her by another party. That may be the case, but I'm not here to determine whether there's been fraud committed against Miss M or not. My role is to determine whether Transunion have acted fairly in reporting the CCJ against Miss M with the details they have. And essentially, Transunion have relied on information provided to them from R and used those details to report the CCJ against Miss M.

I haven't seen any evidence to persuade me Transunion ought to be reporting the CCJ against someone else, instead of Miss M. As previously explained, there's no evidence to suggest there was anyone else, whose details match those recorded on the CCJ, living at the same address Miss M lived at. I can see the document provided by Miss M includes the name of the company who applied to the courts for the CCJ. So, I think Miss M should raise a dispute directly with this company about the CCJ, if she wants to continue to dispute the matter.

I understand Miss M raised a point about what investigation Transunion carried out before suggesting the issue with the surname was nothing more than a typing error by the courts. However, Transunion haven't said that this was definitely the case, and this isn't something I've decided has definitely happened. Instead, they said there was no evidence to suggest this was nothing more than a typing error, based on the information available to them. On balance, I don't think this conclusion was unreasonable given most of the details on the CCJ match those of Miss M's – it's just the first two letters that are missing from the surname.

Additionally, Miss M hasn't given me anything to persuade me that Transunion have acted unfairly in the reporting of the CCJ.

Miss M has also made reference to our service as the body who regulate Transunion. To clarify, we're not the regulator – our role is to resolve financial matter disputes. Instead, it's the Financial Conduct Authority who regulate businesses like Transunion. Miss M previously mentioned adding a disassociation notice to her credit file. Having looked at Transunion's website, this seems more suitable for when a customer wants to remove a financial associate from their file as they no longer have any joint financial arrangements with a third party.

Overall, I'm persuaded Transunion have reported the CCJ against Miss M's name because they are satisfied that it is more likely than not that the CCJ relates to her, rather than to anyone else. And I remain of the opinion that I don't think Transunion have acted unfairly in reporting the CCJ against Miss M based on the information they have.

### **My final decision**

For reasons explained above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss M to accept or reject my decision before 3 August 2023.

Leanne McEvoy  
**Ombudsman**