

The complaint

Mr M complains BPO Collections Limited have harassed him about a statute barred debt. He also says they've breached the General Data Protection Regulations (GDPR).

What happened

My understanding is Mr M purchased a laptop on a credit agreement through a company which no longer exists – I'll refer to them as P. The agreement for this laptop wasn't kept to, and the debt was sold to another company I'll refer to as J, before P ceased trading.

J instructed BPO to collect on the debt. So, BPO are a debt collector, but don't own the debt themselves.

When BPO got in touch with Mr M he said the debt was statute barred, BPO should know this, so they were harassing him unnecessarily. He wasn't happy with BPO's request to provide personal information to identify himself. Mr M also said in contacting him BPO had breached GDPR. When making his complaint Mr M said he wanted a Data Subject Access Request (DSAR) to find out who gave BPO his information, and to stop any further action against BPO he'd accept £2,500 compensation for the illegal letter, breach of GDPR, harassment and impact to his mental health.

In their response BPO explained J had acquired the debt from P and J had asked them to get in touch with Mr M to recover the debt. They said they're required to carry out security questions to verify they're talking to the right person – but are now satisfied he is the right person because he received the letter they sent and because of information he provided in his emails.

BPO said they can contact anyone regarding a statute barred debt but aren't permitted to enforce it. They didn't think they'd breached GDPR, they'd process the DSAR as soon as they could and overall didn't think they'd done anything wrong. They did however say sorry and explained given Mr M's comments they'd return his debt to J so he'd never hear from them again.

Unhappy with this Mr M asked us to look into things – saying BPO had breached GDPR in responding to his complaint as well.

One of our Investigators considered things, but overall thought BPO's apology was sufficient to resolve matters.

Mr M didn't agree and asked for his concerns to be passed to an Ombudsman, but he didn't provide any further information to consider.

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 should explain up front I'm required to take into account the law, as well as the regulators rules and regulations, plus what I consider to be good industry practice, but ultimately, I need to decide the outcome of this case on a fair and reasonable basis. I wanted to explain this because I can't decide if Mr M has been harassed, or if this debt is statute barred, only a court can. Instead, I'll consider whether BPO handled things fairly.

After J asked BPO to collect on the debt BPO used a tracing agency and wrote to Mr M at the address they found for him. In response, Mr M has said the debt is statute barred – he's not said the debt is his, but equally he's not said the debt isn't his. I've not seen anything to suggest BPO carried out the trace incorrectly, and our Investigator explained this in detail to Mr M – on which he's not pointed out anything obviously wrong. So, I don't think BPO did anything wrong initially in tracing Mr M and nor do I think they've breached GDPR at this point.

I also don't think they've done anything wrong in contacting Mr M about the debt. I say this because I've seen nothing to suggest J didn't ask BPO to collect on the debt. And as BPO aren't the owner of the debt, I think they've acted in good faith asking for it to be repaid. I understand Mr M says the debt being statute barred means they've harassed him in asking him to repay it. But as I mentioned before I can't legally decide if the debt is statute barred nor can I decide if Mr M has been harassed in asking for repayment of it. Ultimately, I'm satisfied BPO acted in good faith asking Mr M for repayment of the debt.

I've noted Mr M's further concerns about BPO breaching GDPR when they replied to his complaint. BPO's explanation for this is they were satisfied Mr M was the right person given he received the letter they sent, and information he provided in his emails. It's unclear what information specifically BPO were referring to. But there isn't anything Mr M has said or done which suggests he disputes the debt is his – so, in the absence of this and without any concerns about BPO's trace, I think they've acted fairly in contacting Mr M and dealing with him.

I know Mr M is also unhappy that when processing his DSAR, BPO again asked him to identify himself. Financial businesses having identification processes in place to ensure they only provide sensitive data to the right person seems sensible to me. But, if Mr M has additional concerns regarding this, then he could ask the Information Commissioners Office to look into things.

Overall, I don't think BPO did anything wrong. Despite that, they've said sorry for any distress caused to Mr M. In the circumstances, I'm satisfied that's a fair outcome to this complaint.

My final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 21 December 2023.

Jon Pearce
Ombudsman