

## The complaint

Mr H complains that TRANSUNION INTERNATIONAL UK LIMITED trading as TransUnion failed to remove the bankruptcy record it was displaying on his credit file, when he disputed it.

## What happened

I set out the background to this complaint and my initial findings in my provisional decision dated 11 April 2024 (below)

*Around February 2023 Mr H was alerted by one of his creditors who I'll call 'P' that he had a bankruptcy reported on his credit file with TransUnion.*

*Mr H contacted TransUnion to complain by email on 2 March 2023, in his email he said TransUnion had made a mistake and the bankruptcy wasn't his, he asked for it to be removed from his credit file.*

*TransUnion responded with its final response letter on 28 April 2023 explaining that they would raise a dispute with The Insolvency Service (IS) based on what Mr H had said. But it didn't feel it had done anything wrong in match his data with what was recorded by TIS.*

*Mr H disagreed and brought his complaint to this service.*

*TransUnion provided evidence to show it had written to TIS to get confirmation if the bankruptcy related to Mr H, TIS did not respond. It also explained that as bankruptcies are a matter of public record the way it gathers this information is different from how it collects data from credit providers. And because of this, it doesn't have the ability to dispute the information in the same way. TransUnion was able to show that the data it had taken from TIS had linked Mr H's address to the bankruptcy report.*

*Our investigator upheld Mr H's complaint, in summary he said: The evidence showed that the information linking Mr H's address can from TIS. But later records showed the bankruptcy to be linked to an address that wasn't Mr H's and this should have been enough for TransUnion to remove the record. He asked TransUnion to pay Mr H £250 for the upset and inconvenience caused to Mr H because this.*

*Initially TransUnion didn't agree, it said there wasn't enough definitive information for it to remove the record from Mr H's file without confirmation from TIS.*

*Our Investigator contacted TIS and asked for some information regarding the issue Mr H was reporting. TIS confirmed to this service that Mr H had taken court action in 2011 regarding this bankruptcy and the court had issued findings to say the bankruptcy didn't relate to him.*

*TIS also provided this service with an email it sent to Mr H in June 2023 confirming this was the case, as he had quired it with them. This service shared the information from TIS with TransUnion.*

*Given this TransUnion agreed to remove the record from Mr H's file and also agreed to pay Mr H the compensation the investigator recommended.*

*Mr H didn't accept the outcome and wanted the case to be considered by an Ombudsman. He feels it's possible that the incorrect recording of the bankruptcy contributed to his business bank accounts being closed in 2023 and him not being able to obtain alternative business banking. He wanted this to be considered as he feels if this did contribute then he would need to make a claim for loss of earnings as he had to cease trading because of the lack of banking facilities.*

*The matter has now been passed to me to decide.*

### **My findings**

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

*I realise that I've summarised this complaint in less detail than the parties and I've done so using my own words. I've concentrated on what I consider to be the key issues. The rules that govern this service allow me to do so. But this doesn't mean that I've not considered everything that both parties have given to me.*

*Before I go on to explain my findings, I feel I should explain to Mr H I will not be commenting on the issues he raises about the removal of his business banking or his inability to obtain alternative banking facilities. This is because Mr H's business brought complaints about these issues separately against the relevant banks. And those complaints have already been addressed by this service.*

*I'm satisfied the evidence provided shows TransUnion fairly linked the bankruptcy record to Mr H. I say this because in the information file that TransUnion took from TIS there is a field that says last known address. In that field Mr H's address was recorded. Additionally the person that the bankruptcy relates to has or used the same name as Mr H. Given both the name and address match with Mr H I think it was reasonable for TransUnion to have linked the file. The next update showed the last known address field to have changed to another address, but that doesn't mean the previous one was incorrect it simply means it has since changed. So I don't think this was enough for TransUnion to have removed the link.*

*When Mr H notified TransUnion that the bankruptcy didn't relate to him, in March 2023, it did what I'd expect it to do. It contacted TIS to clarify the information it was displaying. TIS didn't respond. At that point there really wasn't much more that TransUnion could have done to clarify the information. Given the seriousness of a bankruptcy I wouldn't expect any credit reference agency to remove the record just on the say so of an affected individual without any evidence.*

*But Mr H knew he had taken court action against TIS regarding this in 2011. And so would have been able to provide this evidence to TransUnion in March 2023 when he*

*contacted it to remove the record. Had he done so I'm confident TransUnion would have removed the record from his credit file. I say this because, once TIS furnished this service with the information, and in turn we passed it to TransUnion, it agreed to remove the record.*

*Given this I think Mr H could have mitigated his circumstances and had he done so the record would have been removed shortly after he became aware of it.*

*Bringing all of this together, I don't think TransUnion did anything wrong in initially linking the bankruptcy record to Mr H. And I won't be awarding compensation for this though because I think Mr H could have mitigated any impact on him by providing TransUnion the evidence that he'd previously disputed this through the court.*

### ***Putting things right***

*If TransUnion hasn't already, it should now remove the record of the bankruptcy from Mr H's credit file.*

### ***My provisional decision***

*For the reasons set out above I uphold this complaint.*

I invited both parties to let me have anything in response they thought was relevant.

Transunion accepted my findings.

Mr H responded I've summarised what he said in my own words:

- He can't understand why the other credit reference agencies didn't pick up the link to the bankruptcy record
- He wanted to know when exactly TransUnion published the bankruptcy on his record as he was only alerted when P contacted him around February or March 2023
- He feels that as a financial service company saw this his name was maligned needlessly and so his lack of mitigation shouldn't be a factor 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've considered what Mr H has said and having done so I'm not persuaded to depart from my original findings, I'll explain why.

The actions of any other credit reference agencies aren't relevant here. This case is solely about the actions of TransUnion for the reasons set out above and in my provisional decision, I'm satisfied the evidence provided shows TransUnion fairly linked the bankruptcy record to Mr H.

Because of this, when the information was first displayed isn't a factor. The thing I have to consider here is the actions taken or not taken by TransUnion when Mr H noticed there was an error and reported it to them, and if those actions or inactions were fair. And as I've previously explained I think they were. TransUnion did what it could to dispute the link by contacting TIS, but when TIS didn't respond there was little more TransUnion could do to

help Mr H.

Therefore I believe that the mitigation that Mr H could have taken i.e providing TransUnion with the relevant information about the court ruling is crucial. As I've already said I'm satisfied had Mr H done this TransUnion would have acted to remove the link as it did when this service provided the information to it. As Mr H didn't do this the record was displaying the link for longer than was necessary.

I understand that Mr H feels very strongly about this and that he will be disappointed with the outcome I've reached. But my decision ends what we – in trying to resolve his dispute with TransUnion– can do for him.

### **Putting things right**

If TransUnion hasn't already, it should now remove the record of the bankruptcy from Mr H's credit file.

### **My final decision**

For the reasons set out above, my final decision is that I uphold Mr H's complaint and I require TRANSUNION INTERNATIONAL UK LIMITED trading as TransUnion to carry out the actions as set out under the 'Putting things right' section of this decision

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 12 June 2024.

Amber Mortimer  
**Ombudsman**