

The complaint

Mr B is complaining about TFLI Ltd trading as www.lightfinance.co.uk because he says it used his personal data incorrectly.

What happened

Mr B enquired about a loan online with TFLI in May 2022. His details were then passed to third parties without his agreement and he says he received months of unwanted calls, texts and emails as a result.

TFLI didn't agree it had shared Mr B's data incorrectly and initially offered compensation of £25 for any distress and inconvenience caused. It increased this offer to £75 after the complaint was referred to us.

Our investigator didn't conclude TFLI needed to take any further action. He noted Mr B had referred his complaint about the use of his personal data to the Information Commissioner's Office (ICO) and said this is the appropriate organisation to deal with this issue. He also said TFLI had already made an appropriate offer of compensation for any distress and inconvenience caused.

Mr B didn't accept the investigator's assessment. He set out the reasons why he believed TFLI had broken the rules covering the use of his personal data and pointed out the company directors have been fined for similar offences previously.

The complaint has now been referred to me for review.

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.

Having done so, I've reached the same overall conclusions as the investigator, and for broadly the same reasons. If I haven't commented on any specific point, it's because I don't believe it's affected what I think is the right outcome. In considering this complaint I've had regard to the relevant law and regulations; any regulator's rules, guidance and standards, codes of practice, and what I consider was good industry practice at the time.

I think it's also relevant to explain that the Financial Ombudsman Service is not a regulator and we don't write the rules for businesses or have powers to fine or punish them when these aren't followed. Mr B has provided a detailed explanation of how he believes TFLI have breached the rules covering the use of his data and I agree that the ICO is the correct authority to investigate and respond to those concerns.

This notwithstanding, TFLI has made an offer of compensation to cover any distress and inconvenience caused and I've considered whether this is a fair outcome. As part of my review, I asked our investigator to contact Mr B for his comments about the impact unwanted

marketing communications had on him and also for evidence of communications after TFLI said it opted him out of future marketing at his request in June 2022. He hasn't responded to.

Based on the information I have available, I can see that unwanted marketing contact would have been unwelcome for Mr B and would have caused him a degree of distress and inconvenience. But, in the absence of further comment about the impact of the issues he's described, I share the investigator's view that £75 compensation is fair and reasonable.

TFLI increased its offer after Mr B's complaint was referred to us and it will therefore be recorded as an upheld case. But I'm satisfied the increased offer is fair and I'm not requiring it to take any further action.

My final decision

For the reasons I've explained, I'm upholding Mr B's complaint. Subject to his acceptance, TFLI Ltd trading as www.lightfinance.co.uk should pay Mr B compensation of £75.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 5 April 2024.

James Biles
Ombudsman