

The complaint

Mr O complains about how La Redoute (UK) Limited reported his account to the credit reference agencies.

What happened

In November 2020 Mr O asked La Redoute to write off his arrears, citing medical grounds. La Redoute agreed to write off his debt, but reported his account as having been defaulted and partially satisfied (it now shows as fully satisfied). In May 2022 he complained to La Redoute about the default marker, without success. He did not bring that complaint to our service, but he did bring us another complaint about unaffordable lending, in 2023, which we did not uphold.

This complaint is about that account, but not about unaffordable lending. Firstly, Mr O says that in a phone call in September 2023, La Redoute agreed to remove his account from his credit file as a gesture of good will. He says the account was subsequently removed by all three credit reference agencies. However, in October 2023 he found that the account was being reported on his credit file again. He wants La Redoute to remove it again. Secondly, Mr O says that La Redoute told a third party (who I will refer to as “C”) about his previous complaint to our service, and what the outcome had been. Mr O says this is a breach of data protection law, and that it had caused him alarm and distress.

La Redoute told Mr O that it had no record of the September phone call, and it had not sent any updates to the credit reference agencies since 2020. Its position about the default had not changed since its final response to his complaint about that in 2022. La Redoute had contacted one of the agencies,

which had confirmed that Mr O's account had been "ghosted", meaning that it had not been viewable as a result of Mr O disputing it – not because of anything La Redoute had done. Being dissatisfied with that response, Mr O brought this complaint to our service.

La Redoute maintains that it never agreed to remove the default marker. And it denies that it told C about Mr O's previous case with our service. It says it mentioned this to one of the credit reference agencies, in response to a query it had raised with La Redoute on Mr O's behalf, so C must have obtained that information from the agency.

Our investigator accepted La Redoute's explanations, and so he did not uphold this complaint. Mr O asked for an ombudsman's decision.

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.

The default

I have noted that in late 2022, Mr O made a complaint to La Redoute which was similar to this one. He said La Redoute had agreed to remove his default marker and then gone back on that agreement. In its final response letter dated 2 December 2022, La Redoute told him that it could find no record of it having agreed to do that, and said that the information recorded on his credit file was accurate. (Mr O did not escalate that complaint to our service at the time.)

That earlier complaint and La Redoute's final response do not prevent Mr O from bringing this new complaint, which is about another agreement which was allegedly made in September 2023, but I do think it undermines the credibility of his description of what happened in 2023.

The history of that earlier complaint is interesting. First, Mr O raised the matter with Equifax, who contacted La Redoute about it in May 2022. La Redoute told Equifax that Mr O's account was being reported accurately. Next, Mr O raised the matter with Transunion in August 2022, who contacted La Redoute and received the same reply. Then in November 2022 Mr O raised the matter directly with La Redoute himself, resulting in La Redoute's final response letter in December 2022. And in August 2023, Mr O raised the matter via Transunion for a second time. So the case that I am dealing with now (which was brought directly to La Redoute in October 2023) is actually the fifth time that Mr O has challenged the default marker.

I have seen Equifax's email saying that Mr O's account had been ghosted, and explaining what ghosting is. A subsequent email stated that the agency had changed the entry back to public again, which was an internal decision and not at the request of La Redoute. On the balance of probabilities, I accept the evidence of Equifax and of La Redoute. I don't think La Redoute agreed to remove the default marker in 2023, or that it instructed any of the credit reference agencies to amend or update Mr O's credit file.

Data protection

I turn now to Mr O's complaint about La Redoute telling a third party about his earlier complaint with our service about unaffordable lending.

In one of Mr O's complaints about the default which he raised with La Redoute via one of the credit reference agencies, he said he did not recognise the account. La Redoute has explained that in order to demonstrate that Mr O must have known about the account and known that it was his, it mentioned that he had previously complained about that same account, and that the subject of that complaint had not been

that it had nothing to do with him, but that La Redoute had lent to him when it shouldn't have. I think that is a plausible and satisfactory explanation and I accept it. And since the service which C offers is showing its customers what information the three credit reference agencies have about them, I think that C must have got this information from the relevant agency, rather than directly from La Redoute.

My final decision

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr O to accept or reject my decision before 1 August 2024.

Richard Wood
Ombudsman