

Frequently Asked Questions - Bankruptcy

Here are some of the frequently asked questions (FAQs) that

- a) people who are bankrupt;
- b) people have been discharged from bankruptcy; or
- c) people whose bankruptcy has been annulled;

ask the Information Commissioner about the information on their credit reference files.

a) People who are currently bankrupt ask:

1. **On my credit reference file there is a default for an account which was included in my bankruptcy. Is this right?**

Yes. If an account has been included in your bankruptcy, the lender should have marked the account in default. The default will stay on your credit reference file for 6 years from the date of the default.

After you have been discharged from your bankruptcy you can send proof of your discharge to all the lenders included on your Statement of Affairs. The lenders whose debts were included in your bankruptcy should then mark the entry on your credit reference file to show that you no longer owe money on that account (perhaps by marking the entry as 'satisfied' or 'settled' or in some other way). However, the default will not be removed from your credit reference file until 6 years from the date of default.

If you wish, you can ask the credit reference agency to add a statement called a 'Notice of Correction' to the default entry. In your statement, you may like to say that the entry was included in your bankruptcy. More information about 'Notices of Correction' can be found in our 'Credit Explained' publication which can be found on our website, www.informationcommissioner.gov.uk under 'Data Protection' then click on 'Your Information Rights' and then click on 'Credit Explained'.

2. I've noticed that an account that was included in my bankruptcy is marked in default later than my bankruptcy. Can I do anything to change it?

Sometimes a lender will not know the exact date you were made bankrupt. This may mean that when the lender registers a default with the credit reference agencies, the date on the default is later than the date on your Bankruptcy Order.

If a particular debt is included in the Statement of Affairs at the time of the bankruptcy, you can ask the lender to change the date of the default to the date on your Bankruptcy Order. To do this, you should write to the lender and ask them to change the default date to the date of the Bankruptcy Order. **Remember to send the lender a copy of your Bankruptcy Order or other documentation which confirms the date you were declared bankrupt.**

If the lender refuses to change the date of the default then you can write to us at: Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. You will need to send us a copy of the Bankruptcy Order/ documentation that confirms the date you were made bankrupt, proof that the debt in question was included in your bankruptcy and a copy of the lender's letter which says it won't change the date of the default.

b) People who have been discharged from bankruptcy ask:

1. Why doesn't my credit reference file show that my bankruptcy has been discharged?

The credit reference agencies will not know when your bankruptcy was discharged unless you paid the Official Receiver to publicly advertise your discharge from bankruptcy.

If you didn't ask the Official Receiver to advertise your discharge and you want it to be recorded on your credit reference file, you will need to send confirmation of your discharge (e.g. documentation from the Court or Official Receiver) to each of the credit reference agencies and ask them to update your credit reference file. You can find details on how to obtain your credit reference file at the end of this document.

The bankruptcy entry will remain on your credit reference file for 6 years from the date of the Bankruptcy Order even if you have been discharged and have told the credit reference agencies. The lenders whose debts were included in your bankruptcy should then mark the entry on your credit reference file to show that you no longer owe money on that account (perhaps by marking the entry as 'satisfied' or 'settled' or in some other way). However, after 6 years, the credit reference agencies will

automatically remove the bankruptcy entry from your credit reference file.

2. My credit reference file shows that my bankruptcy has been discharged. But shouldn't the credit reference agency have removed the record of my bankruptcy?

Even if you have been discharged from bankruptcy, the record of your bankruptcy will stay on your credit reference file for 6 years from the date of the Bankruptcy Order.

3. What happens to the defaulted accounts on my credit reference file?

When you have been discharged from bankruptcy you can ask the lenders to mark any accounts included in your bankruptcy as 'satisfied' or 'settled' or to indicate in another way that you have fulfilled your obligations to that lender.

You will need to write to all the lenders who were included in your Statement of Affairs and provide those lenders with proof of your discharge from bankruptcy before the lender will be able to change the information it files on your credit reference file record.

Once the lender has changed the information on the entry, if you make any new credit applications the prospective lender will be able to see that you do not owe any more money on that account.

Finally, if you wish, you can ask the credit reference agency to add a statement called a 'Notice of Correction' to the default entry. In your statement, you may like to say that the entry was included in your bankruptcy. More information about 'Notices of Correction' is in our 'Credit Explained' booklet which is on our website at www.informationcommissioner.gov.uk under 'Data Protection' then click on 'Your Information Rights' and then click on 'Credit Explained'.

c) People whose bankruptcy has been annulled ask:

My bankruptcy has been annulled. What will happen to my credit reference file?

If your bankruptcy has been annulled but the annulment was not advertised publicly, you will need to send proof of the annulment to the credit reference agencies. The credit reference agencies should then update your credit reference file so that the bankruptcy entry shows that the bankruptcy has been annulled.

If the bankruptcy should never have been made, the credit reference agency should remove all reference to the bankruptcy from your credit reference file. In any other case, the bankruptcy entry should show that it has been annulled.

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The Enterprise Act 2002

The Enterprise Act 2002 has reduced the length of time for an automatic discharge. However these changes do not alter the length of time your bankruptcy is on your credit reference file. The record of your bankruptcy will remain on your credit reference file for 6 years from the date of your bankruptcy.

Obtaining a copy of your credit reference file

You can get a copy of your credit reference file from the credit reference agencies listed below:

Callcredit Plc	Equifax Plc	Experian Ltd
Consumer Services Team	Credit File Advice Centre	Consumer Help Service
PO Box 491	PO Box 1140	PO Box 8000
Leeds	Bradford	Nottingham
LS3 1WZ	BD1 5US	NG80 7WF

You will need to write to the credit reference agencies and give:

- your full name,
- your current address,
- any other addresses you have lived at in the past six years
- a cheque or postal order for £2.00 made payable to Equifax Plc, Experian Ltd or CallCredit Plc.

Unless the credit reference agency needs more information from you, it has 7 working days from receipt of your request for your file to supply your credit reference file.

'Credit Explained' leaflet

More information about the credit industry, credit reference files and credit reference agencies can be found in our 'Credit Explained' booklet. The 'Credit Explained' booklet can be obtained free of charge:

- from our website at www.informationcommissioner.gov.uk by clicking on 'Data Protection' then on 'Your Information Rights' and finally by clicking on 'Credit Explained', or
- from our Publications Line on 08453 091 091, or
- on request to the Information Commissioner's address.