



Credit agreements – getting information

Fact sheet no. 39

August 2014

What rights to information do I have ?

You have rights to ask for personal information from creditors and other organisations because of two laws:

- the **Consumer Credit Act 1974**; and
- the **Data Protection Act 1998**.

The kind of information that you can get is different under each law.

- The **Consumer Credit Act** gives you the right to ask for a copy of your credit agreement and statements of your account.
- The **Data Protection Act** gives ‘subject access rights’ to get personal information held by the organisation about you.

Which letter should I use?

There are three sample letters in this fact sheet which you can use to get different kinds of information.

- Use the **Information about your agreement under the Consumer Credit Act sample letter** to ask for a copy of your agreement and related documents, together with a statement of your account from a creditor. You might need to use this letter if you have lost your original agreement and want to check the terms and conditions such as the interest rate, the amount of credit and the total number of payments. You might want a statement of account to check what the creditor thinks you have paid on the account and when. Use sections **77, 78 and 79 of the Consumer Credit Act 1974** to make this request.
- Use the **Information about instalments still to pay under a credit agreement sample letter** to ask for a statement of your account which shows what you have to pay in the future, including any missed payments. You can only use this letter if your agreement is for a fixed amount of credit, the debt is not secured on property and you pay it by instalments. Use section **77b of the Consumer Credit Act 1974** to make this request.

Extra advice:



Consumer Credit Act rights

You have the right to ask a creditor for a copy of your agreement and a statement of your account only if you still owe them money on the account. If you have paid your debt in full, or if your lender has taken court action, you may not have these rights. **Contact us for advice.**

Information:

INFO

how much will it cost?

The fee for asking for a copy of your agreement and statement of account under sections **77, 78 and 79 of the Consumer Credit Act** is **£1**. There is **no fee** if you ask for a statement of your account under section **77b of the Consumer Credit Act**.



- Use the **Personal information under the Data Protection Act sample letter** to ask for specific information about you which may be held by a creditor, or a public organisation like your local council. Alternatively, you might want to check what information the creditor holds about you (such as a record of a phone call) and how they may have used this to make decisions about you. Use **section 7 of the Data Protection Act 1998** to make this request.

Information:

INFO

how much will it cost?

Organisations can charge up to **£10** for sending you personal information under the **Data Protection Act**.

What kind of information should they send me?

You will get different information back, depending on which sample letter you use.

Consumer Credit Act request under sections 77, 78 and 79

You should be sent a 'true copy' of your agreement that is easy to read and a statement of your account signed by your creditor. The 'true copy' must contain all the terms and conditions from your original agreement, information about any changes made to the agreement and your name and address at the time that you took out the agreement. But it does not have to include a signature box, signature or the date of signature from your original agreement.

The statement of account should be signed by the creditor and tell you:

- how much you have paid (if you borrowed a fixed amount);
- how much you still owe; **and**
- what you still have to pay and when.

Data Protection Act request

You should get the information that you have asked for. Make sure that you are clear about the information that you want. If you are not clear, the creditor may send you too much information, which you may find unhelpful. If the information is difficult to understand, the creditor should send you a guide to help you make sense of it. If you asked for details of any decision that the creditor made about you, you should be sent an explanation of how they made that decision.

What can I do if I do not get the information I have asked for?

You have rights to the information that you ask for under these acts and there can be consequences for the creditor, or organisation, if they do not reply properly.

If the creditor does not reply to your Consumer Credit Act request under sections 77, 78 and 79

If the creditor does not send you a copy of your agreement and a statement of account within **12 working days**, then they are not allowed to take further action against you to enforce the agreement in the court **until they do so**.



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In the meantime, the creditor cannot:

- make you pay off your debt before you're supposed to;
- get a court judgment against you; **or**
- take back anything you've hired or bought on credit, or take anything you used as security (like your house) when you took out the agreement.

However, they can still:

- ask you to pay what you owe;
- send you a letter called a 'default notice' if you miss any payments;
- pass your information on to a credit reference agency (which might affect your credit record);
- pass your information on to a debt collector;
- sell your debt to someone else; **or**
- take your case to court, although they won't be able to get a court judgment against you unless they give you the information you're entitled to.

If the creditor has not done what they should have following your request, your debt still exists. If you don't arrange to pay, the creditor may add interest and other charges, if the terms of the agreement allow them to.

Warning:



if your creditor complies

If the creditor sends you a copy of your agreement and statement of account at any time after you have requested them, then **the creditor can start or continue court action against you to recover the debt.**

Extra advice:



stopping court action

You can make sure that the creditor does not go any further with the court judgment by asking the court to stop the action. You should ask for a 'stay of proceedings' until they have met the **Consumer Credit Act** requirements. **Contact us for advice.**

What if the creditor has sold the debt to another company?

If the original creditor has sold the debt on to another company, the new company becomes the 'creditor' and must deal with your request. If the new company does not agree to do this, they should tell you who can give you the information, or pass your request on to the original creditor themselves.



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The Financial Ombudsman Service (FOS)

If you think that the new company has not behaved as they should, you can **make a complaint** to the Financial Ombudsman Service. You will have to follow the company's complaints procedure first. You can only complain to the Financial Ombudsman Service about events that happened from April 2007 onwards. See the later section **Useful contacts**.

Important:



complaining to FOS

You can only complain to the Financial Ombudsman Service about events that happened from **April 2007** onwards.

The Financial Conduct Authority

The **Financial Conduct Authority** has published detailed advice on how creditors should act in the **Consumer Credit sourcebook**. See the later section **Useful contacts**.

See our fact sheet:



Complaining about your lender.

If the creditor does not reply to your Data Protection Act request

If the organisation does not send you the information that you requested within **40 days**, you could send a reminder by recorded delivery. If you still do not receive a reply, you can **make a complaint** to the Information Commissioner. If the Information Commissioner thinks that the law has been broken, they might tell the company to follow the rules. In serious cases, the Information Commissioner can send the organisation an enforcement notice to force them to send you the information. See the later section **Useful contacts**.

Extra advice:



getting information under the Data Protection Act

Organisations have to send you the information you ask for under the **Data Protection Act**, even if they have started court action.

Information:

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complaining to the Information Commissioner's Office

Ring the Information Commissioner's helpline on **0303 123 1113**.



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Useful contacts

Citizens Advice consumer service

Phone: 0845 404 0506

www.adviceguide.org.uk

Financial Conduct Authority (FCA)

Regulator for financial services such as banks and credit companies, insurance companies and mortgage lenders.

Phone: 0800 111 6768

Email: consumer.queries@fca.org.uk

www.fca.org.uk

Financial Ombudsman Service

Phone: 0800 023 4567 or 0300 123 9123

www.financial-ombudsman.org.uk

The Information Commissioner's Office

Phone: 0303 123 1113

<http://ico.org.uk>



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Information about your agreement under the Consumer Credit Act sample letter

Write your own letter

Use this letter if you want a copy of your credit agreement and/or a statement of the account and the creditor has so far refused to send you a copy free of charge. Remember to enclose the fee of £1 when you send the letter to your creditors.

(Your home address)
Date: _____

Dear Sir/Madam

Account No: _____

With reference to the above agreement, I/we would be grateful if you would send me/us a copy of this credit agreement and a full breakdown of the account including any interest or charges applied. I/we understand that under the **Consumer Credit Act 1974 (sections 77-79)**, I am/we are entitled to receive a copy of any credit agreement and a statement of account on request. I/we enclose a payment of £1 which represents the fee payable under the **Consumer Credit Act 1974**.

I/we understand a copy of any credit agreement along with a statement of account should be supplied within **12 working days**.

I/we understand that, under the **Consumer Credit Act 1974**, creditors are unable to enforce an agreement if they fail to comply with the request for a copy of the agreement and statement of account under these sections of the Act.

I/we look forward to hearing from you.

Yours faithfully

(Your signature)

Remember:



keep a copy

Keep a copy of all the letters you send to your creditors.



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Information about instalments still to pay under a credit agreement sample letter

Write your own letter

Use this letter if you want a statement of your account showing what you still have to pay on your credit agreement. You cannot make this request for information about open-ended credit agreements, such as a credit or store card.

(Your home address)
Date: _____

Dear Sir/Madam

Account No: _____

With reference to the above agreement, I/we would be grateful if you would send me/us a statement of the account. I/we understand that under the **Consumer Credit Act 1974 (section 77b)**, I am/we are entitled to receive a statement of account, showing details of the instalment payments that I/we still have to pay and any arrears. I/we understand there is no charge for sending me/us this information.

I/we understand a statement of account should be supplied as soon as is reasonably possible.

I/we look forward to hearing from you.

Yours faithfully

(Your signature)

Remember:



keep a copy

Keep a copy of all the letters you send to your creditors.



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Personal information under the Data Protection Act sample letter

Write your own letter

Use this letter to ask for personal information held about you by an organisation. This is also called a ‘subject data access request’.

Dear Sir/Madam
Account No: _____

(Your home address)
Date: _____

Please send me/us the information which I am/we are entitled to under **Section 7(1) of the Data Protection Act 1998**.

I/we would particularly like you to provide information about the following items.

(Fill in here the kind of information that you want to receive. Try to be specific about what you want, so that you don't get too much unhelpful information. It might help to ask for information between certain dates, or for records of contacts during a particular year, or for your case record, or for copies of letters that have been sent to you.)

If you need further information from me/us, or if you want me/us to pay a fee, please let me/us know as soon as possible.

If you do not normally handle these requests for your organisation, please pass this letter to your Data Protection Officer or another appropriate member of staff.

I/we look forward to hearing from you.

Yours faithfully

(Your signature)

Remember:



keep a copy

Keep a copy of all the letters you send to your creditors.

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National Debtline endeavour to keep our fact sheets as up-to-date as possible, however, we cannot be held responsible for changes in legislation or for developments in case law since this edition of the fact sheet was issued.

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