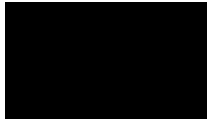



9 February 2021



By email only: 

Dear 

Official Information Act #20.121 - Complaints about Debt Collection Agencies

1. We refer to your request received on 2 December 2020 for a summary of the complaints received by Commerce Commission (**Commission**) about debt collection agencies, particularly about , in last two years.
2. We have treated this as a request for information under the Official Information Act 1982 (**OIA**).
3. On 4 December 2020, in response to our email of 3 December 2020, you advised that you are interested in complaints received within the last 24 months about the following companies:
 - 3.1 Baycorp New Zealand;
 - 3.2 Collection House;
 - 3.3 Credit Consultants;
 - 3.4 Account Collections;
 - 3.5 Debtworks;
 - 3.6 EC Credit Control;
 - 3.7 Receivables Management;
 - 3.8 Credit Simple;
 - 3.9 Illion;

- 3.10 Milton Graham;
 - 3.11 Centrix;
 - 3.12 Equifax;
 - 3.13 Intercoll; and
 - 3.14 Panthera Finance NZ.
4. On 18 December 2020, we advised you that the Commission has received 125 complaints about the companies listed at paragraph [3] above during the period from 14 December 2019 to 14 December 2020. We advised that seven of these complaints are about [REDACTED].
 5. On the same date, you advised that you are seeking the following information:
 - 5.1 detailed summaries of the seven complaints received about [REDACTED], including the outcome of the complaints; and
 - 5.2 key themes and outcomes for the remaining complaints.
 6. On 18 December 2020, we advised that we would be treating your clarified request as a new request with a due date of 9 February 2021, under section 15(1AA) of the OIA.

Our response

7. We have decided to grant your request.
8. The Commission has received 124 complaints about the companies listed at paragraph [3] above during the period from 14 December 2018 to 14 December 2020 (not 125 complaints as previously advised). On further assessment, one of the complaints did not fall within the scope of your request. Of these 124 complaints, seven are about [REDACTED].
9. In response to paragraph [5.1] of your request, we have provided detailed summaries and outcomes of the seven complaints received about [REDACTED] in **Appendix A** to this letter.
10. In response to paragraph [5.2] of your request, for the remaining 117 complaints, we have provided the key issues in **Appendix B** to this letter and the outcomes in **Appendix C** to this letter. We have also included a glossary which explains the outcomes. You can find further information about the Commission's enforcement responses on our website.¹

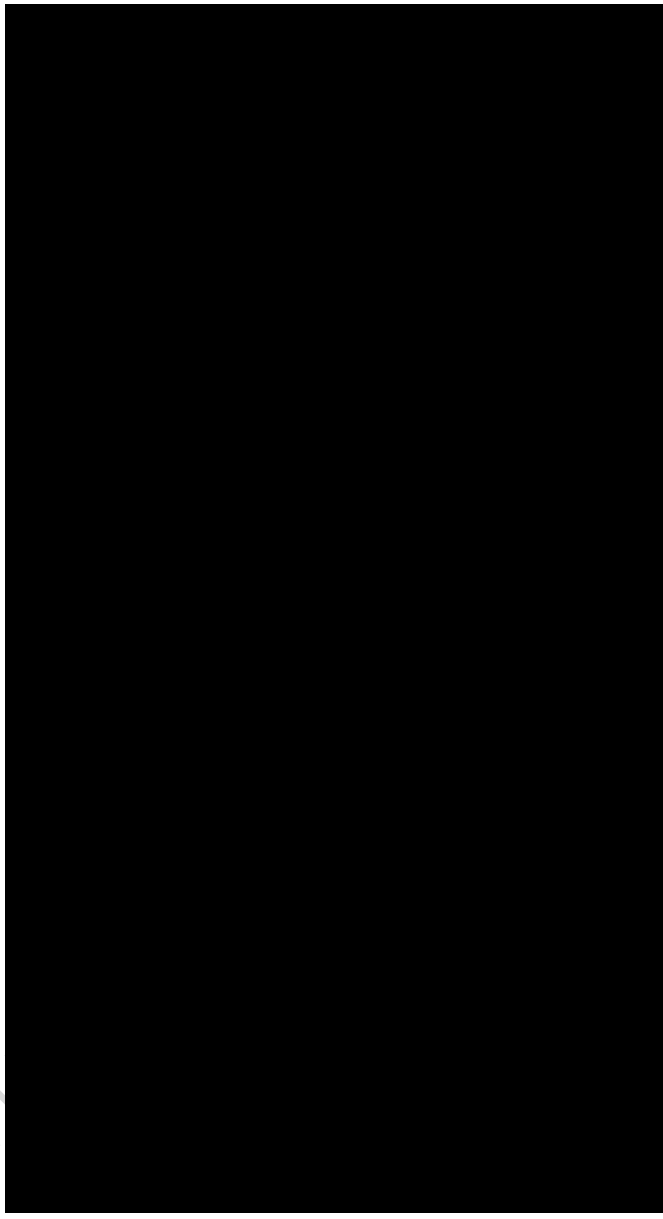


¹ Enforcement Response Guidelines: <https://comcom.govt.nz/about-us/our-policies-and-guidelines/investigations-and-enforcement/enforcement-response-guidelines>

11. If you are not satisfied with the Commission's response to your OIA request, section 28(3) of the OIA provides you with the right to ask an Ombudsman to investigate and review this response. However, we would welcome the opportunity to discuss any concerns with you first.
12. The Commission will be publishing this response to your request in the OIA register on our website.² We will remove your personal details, the references to [REDACTED] and Appendix A before publication.
13. Please do not hesitate to contact us at uia@comcom.govt.nz if you have any questions about this request.

Yours sincerely

Mary Sheppard
OIA Coordinator

² <https://comcom.govt.nz/about-us/requesting-official-information/oia-register>

Appendix A		
Details	Summary	Outcome
		
Number: ENQ0547649 Date: 30/10/2020		NFA
Number: ENQ0547907 Date: 17/11/2020		NFA

Appendix B	
Key theme³	Number of complaints⁴
Alleged harassment in pursuit of debt	31
Disputed debt	30
Failure to provide information about debt	10
Debt not cleared after payment	7
Trader contacted family member about debt	6
Additional fees	6
Wrong person and/or company pursued for debt	6
Refund fees	3
Concerns about debt collection practice	3
Unable to unsubscribe from traders mailing list	2
Refusal to provide breakdown of fees	2
Credit default	2
Incorrect amount provided	2
Documents allegedly altered	2
Collection fee	2
Incorrect credit report	2
Alleged harassment after debt cleared	2
Double listing of debt	1
Alleged contact not made with debtor	1
Fees	1
Alleged misleading and deceptive behaviour by trader	1

³ This excludes key themes about the [REDACTED] complaints.

⁴ Some complaints are about more than one issue and have been recorded against all issues complained about.

Appendix B	
Key theme³	Number of complaints⁴
Debt attachment order	1
Double default of same debt	2
Failure to provide contract	1
Incorrect credit rating	1
Pursued for historic debt	1
Concerns that complaints to the trader are not taken seriously	1
Fine issued to debtor by mistake cannot be revoked from the Court	1
Debtor unable to repay debt	1
Debt letter was issued without debtor or debt details	1
Persistent emails from trader	1
Default not removed after debt paid	1
Default on credit rating	1
Trader requesting more money than the debt amount	1
Debtors address visited by a private investigator on behalf of the trader	1
Payment error	1
Creditor information not attached to debt	1
Interest fees	1
Alleged fraudulent debt	1
Customer service	1
Concerns with credit rating	1
Alleged attempted fraudulent conduct	1
Information about debt not provided in a timely manner	1

Appendix B	
Key theme³	Number of complaints⁴
Debts combined without debtor's knowledge	1
Concerns about liability of debt	1
High interest rates	1
Agency's jurisdiction	1
Trader allegedly not allowing debt to be disputed	1
Alleged intimidating behaviour	1
Alleged misleading information	1
Misrepresenting debt information	1

Appendix C	
Outcomes⁵	
Action taken	Number of complaints
No Further Action (NFA)	105
Added to demand	13
Information Passed to Trader (IPTT)	5
Ongoing	1
Glossary of outcomes	
Outcome	Explanation
No Further Action (NFA) ⁶	The Commission may decide not to take further action in relation to a complaint for a number of reasons. These reasons include, but are not limited to, circumstances where we consider the complaint is better suited to private action by the complainant, the complaint is subject to the jurisdiction of another agency, or where there is no clear breach of the law.
Information Passed To Trader (IPTT)	We may take the opportunity to contact a trader to assist them in better understanding and complying with the law. We refer to this as Information Passed to Trader (IPTT). We find that raising such issues directly with businesses can help them to understand and better comply with their legal obligations.
Added to demand	A demand is the name the Commission gives a matter where we intend to complete further work. We place demands on a list and prioritise them based on our Enforcement Criteria ⁷ and current strategic priorities. ⁸ We review our demand lists on a regular basis and sometimes demands are removed from the list, this is called a resource review. We may remove a demand from our list of

⁵ This includes the outcomes of the seven complaints about ██████████

⁶ Page 7, Commission's Enforcement Response Guidelines.

⁷ Enforcement criteria: <https://comcom.govt.nz/about-us/our-policies-and-guidelines/investigations-and-enforcement/enforcement-criteria>

⁸ Our priorities: <https://comcom.govt.nz/about-us/our-priorities>

Appendix C	
	pending work for several reasons (e.g. the trader has amended its conduct, the trader is no longer operating, and/or other matters have come to our attention that have de-prioritised previous demands).
Ongoing	These are complaints which are still being assessed and/or investigated by the Commission and have not yet resulted in an outcome.