

It's your information

Bankruptcy - frequently asked questions



This note aims to answer the frequently asked questions the Information Commissioner's Office receives about bankruptcy and the information on credit reference files from the following people.

- 1 People who are currently bankrupt
- 2 People who have been discharged from bankruptcy
- 3 People whose bankruptcy has been annulled.

When someone applies for credit, lenders look at information held about their financial standing held by credit reference agencies. When someone becomes bankrupt, this information is recorded on their credit reference file along with other information. If you want to find out more about this, our guidance called '[Credit Explained](#)' will help.

1 People who are currently bankrupt

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 six years from the date of the 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](#)' leaflet which you can find on our website (www.ico.gov.uk).

Please see below for the action you can take about individual accounts after your bankruptcy has been annulled.

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 contact us using the enquiry form on our website (www.ico.gov.uk). You will need to send us:

- a copy of the Bankruptcy Order or document 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.

2 People who have been discharged from bankruptcy

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 (for example, documents 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 six 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 'partially satisfied' or 'partially settled' or in some other way). However, after six years, the credit reference agencies will automatically remove the bankruptcy entry from your credit reference file.

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 six years from the date of the Bankruptcy Order.

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

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 'partially satisfied' or 'partially settled' or in some other way).

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 can explain that the entry was included in your bankruptcy which is now discharged. More information about 'Notices of Correction' can be found in our '[Credit Explained](#)' guidance which you can find on our website (www.ico.gov.uk).

3 People whose bankruptcy has been annulled

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.

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 six years from the date of your bankruptcy.

The Enterprise Act does not apply in Northern Ireland. The equivalent law is the Insolvency (NI) Order 2005.

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
Consumer Services Team
PO Box 491
Leeds
LS3 1WZ

Equifax Plc
Credit File Advice Centre
PO Box 1140
Bradford
BD1 5US

Experian Ltd
Consumer Help Service
PO Box 8000
Nottingham
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; and
- a cheque or postal order for £2 made payable to Equifax Plc, Experian Ltd or CallCredit Plc.

Unless the credit reference agency needs more information from you, it must supply your credit reference file within seven working days from receiving your request.

'Credit Explained' leaflet

You can get more information about the credit industry, credit reference files and credit reference agencies in our 'Credit Explained' booklet which is available on our website, by contacting our office, or by calling our publications line on 08453 091 091.

More information

If you need any more information about this or any other aspect of data protection, please contact us.

Phone: **08456 30 60 60**
 01625 54 57 45

E-mail: please use the online enquiry form on our website

Website: www.ico.gov.uk