

The complaint

Miss D complains that Oodle Financial Services Limited passed information about her, to a fraud prevention agency. The information is about a car finance loan application, which Miss D says, was started by someone else and not by her.

What happened

In July 2019 a car finance application was made to Oodle using Miss D's personal details. During the application process, Oodle checked the salary figures with the employer named on the application. The employer said that the salary details were incorrect, and that Miss D no longer worked for them.

After speaking with the person who applied for the loan, Oodle decided to decline the application. And because of some of the inaccuracies, Oodle passed information about the application to Cifas, who are a fraud prevention agency used by credit reference agencies in the UK.

Nearly three months later, Miss D says an application she made for a mortgage was declined. She says she discovered that the information passed to Cifas, by Oodle was the reason. Miss D complained to Oodle and said someone else must have made the application without her knowledge and that she'd been a victim of fraud. She also said her email account must have been hacked, for the fraudster to get access to her personal details.

Oodle investigated Miss D's complaint and in their final response, said they didn't think the information was passed to Cifas incorrectly. They said they didn't think Miss D had been the victim of impersonation fraud and that she could contact Cifas and ask them to review the matter.

Miss D didn't accept this and brought her complaint to us. One of our investigators looked into her case and concluded that the person who spoke on the phone with Oodle, during the application, is probably the same person who made the complaint. The investigator noted the similarities with the voice recordings, and said similar documents were supplied by the person who made the application, and when Miss D complained to Oodle. So, the investigator found that Oodle hadn't made an error in passing information to Cifas.

Miss D disagreed with the investigator's conclusions and said she didn't make the car finance application to Oodle. The investigator didn't change her findings and Miss D's case has now been passed to me to make a final 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.

Before I explain the reasons for my decision, I'd like to reassure Miss D that I've thought very carefully about the difficult personal circumstances she's told us about. And, although my decision is likely to disappoint her, I'd like her to know that I acknowledge how difficult it has been for her, since the time she brought her complaint to us.

The Cifas marker

In order to register a Cifas marker, there's a high standard of evidence needed. A business cannot simply add a Cifas marker based on a suspicion. Oodle needed to have rigorous evidence against Miss D, to justify their actions.

Oodle have explained that it loaded a Cifas marker because they didn't believe Miss D's details were stolen, at the time application was made, to try get a car finance loan from them. In other words, they felt Miss D had applied for the loan or was aware of the application. So, I've considered if Oodle's actions were fair when they applied the marker, based on the evidence they had, the investigation they carried out and what the rules say about applying such markers.

As a member of Cifas, Oodle must consider four key statements in order to have a marker applied. Briefly, these statements are:

- there are reasonable grounds that fraud or financial crime has been committed or attempted;
- the evidence is clear, relevant and rigorous and that the matter can be confidently reported to the Police;
- the conduct fits with a reason outlined in Cifas' definition of case types; and
- the account must have been rejected, withdrawn or terminated.

As part of their processes, Oodle sort to confirm the employment details submitted by the person who applied for the loan. They found that Miss D no longer worked for the employer listed on the application and that the salary details were incorrect. Oodle say that this led them to believe the information provided to them was false, and they tried to clarify things in a telephone call to the person who applied for the loan.

I think Oodle were right to be suspicious of the car finance application, because they had to be sure that the person they are proposing to lend money to, could afford to pay it back. And because there were significant differences in the salary and job title on the application form, to what the true details were. But, this suspicion alone, isn't enough to start the Cifas marker process. I think Oodle took the next logical step, by speaking to the person applying for the loan and talking to them about their job role and income.

In the follow up call, Oodle say that they couldn't clarify the applicant's employment or salary details. Based on this call, Oodle found that the applicant had provided false information about their salary and passed this information to Cifas, along with a request to apply a marker. I've checked the reason Oodle used with Cifas and I think the marker is consistent with the reasons outlined in the Cifas definition of case types.

I think upon clarifying their suspicions, Oodle had gathered clear, relevant and rigorous evidence to show a fraudulent attempt had been made to get a car finance loan. They also declined the loan application, based on their findings. So, I think Oodle were consistent with what the rules say about when it's appropriate to place a marker with Cifas. I don't think Oodle passed information to Cifas purely based on a suspicion.

The phone calls

Oodle have made comparisons with the person they spoke to, about the employment details and when they spoke to Miss D about her complaint, in October 2019. I have listened to the call during the loan application and from when Miss D called Oodle to complain. On balance, I'm persuaded that Oodle were correct to make these comparisons.

I acknowledge that Miss D has told us it's possible she was impersonated in the call about the employment details. But, I think Oodle reached a reasonable conclusion about the voice, tone and mannerisms in the calls, and the similarities with the information given in each discussion. It then follows, that I think it was reasonable for Oodle to find that Miss D was aware of the application that had been made in her name.

The details used in the application

Oodle have provided their internal records of the application which includes the telephone number used in their call to the applicant. The notes from Oodle also show the telephone number used when Miss D made her complaint. The two telephone numbers are the same, meaning the applicant used the correct contact details for Miss D.

On balance, I think it's likely Oodle spoke to the applicant on the same telephone number Miss D uses. I'm not persuaded a different telephone number was used. So, I think Oodle treated Miss D fairly when they concluded that she was aware of the application before and after they chose to decline the loan.

Some of the same information, such as Miss D's driving licence details and her address at the time were also used by Oodle to show that Miss D was aware of the loan application. Miss D has also said her email account was hacked and could have been used by the applicant without her knowing.

I agree that Miss D probably stopped accessing the email address used in the application, when she discovered the effects of the Cifas marker. And I can see that the applicant could have used any documents saved within that email account, such as the driving licence, without Miss D's knowledge. I also agree that it's likely Miss D contacted Action Fraud to report what had happened.

But, after taking into consideration all the evidence, I think it's reasonable to place more weight on the content of the telephone calls I've listened to. And that the same telephone number was used before and after the application. So, I think it's likely Miss D was aware of the application made in her name.

I acknowledge that Miss D has experienced difficulties applying for credit elsewhere and that this has had an impact on her day to day life. Miss D still has the option to contact Cifas directly, to see if they can comment further on her concerns.

But, our involvement here, is to see look into Miss D's concerns about Oodle. Having considered everything, I don't think Oodle have treated Miss D unfairly or that they have made an error. In all the circumstances, I think Oodle treated Miss D fairly, when they investigated her complaint and chose not to remove the marker with Cifas, about the car finance application made in her name.

My final decision

My final decision is that I do not uphold Miss D's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss D to accept or reject my decision before 10 August 2020.

Sam Wedderburn
Ombudsman