

The complaint

Ms G complains that Bank of Ireland (UK) Plc (BOI) has recorded markers about her with fraud prevention agencies.

What happened

In October 2018, Ms G applied to BOI through a broker for a buy-to-let remortgage. BOI turned down her application.

In 2019, Ms G checked her records with Cifas, a fraud prevention agency. She saw that BOI had recorded a marker against her name for application fraud on the basis of one or more material falsehoods.

Ms G also contacted National Hunter, another fraud prevention agency. She found BOI had recorded there that it had declined her mortgage application for “*non disclosure of a previous decline (confirmed)*”.

Ms G says she thinks the markers relate to a joint application she made with her ex-partner for a mortgage with a different lender in 2014. But, until she saw the National Hunter marker, she didn't know that this earlier application had been declined. She says she hadn't intended to give wrong information to BOI and hadn't acted dishonestly.

BOI reviewed her case but said it wouldn't remove the markers, so Ms G got in touch with the Financial Ombudsman. Our Investigator concluded that BOI hadn't been unreasonable in recording the markers, and he didn't recommend that it remove them.

Ms G didn't accept that conclusion and asked for a review. Through her solicitors, she reiterated that she didn't know the 2014 application had been declined, only that it hadn't gone ahead – and she couldn't have disclosed what she didn't know.

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.

There's no dispute that Ms G had been declined for a mortgage in the past and she didn't declare this in her 2018 application to BOI. I'm satisfied that BOI asked a clear question about that on the application. It said: “*Has the applicant ever had a mortgage application for this or any other property turned down?*” Through her broker, Ms G answered “*No*” – and BOI's independent checks showed that to be untrue.

Ms G says she didn't know that her 2014 joint mortgage application had been declined. She says her ex-partner dealt with it, and all she knew was that the mortgage didn't go ahead. She also told the broker in 2018 that her then partner had some credit issues, and I can see that the broker noted that on the BOI application in order to cover off any queries that might have arisen from BOI's credit checks. Ms G says this shows that she didn't set out to deceive or act dishonestly.

BOI has since considered Ms G's explanation but decided not to remove the markers. I've carefully considered both parties' representations and, while I realise Ms G will be disappointed, I don't think BOI's decision was unreasonable.

BOI's records satisfy me that it carried out various checks before declining Ms G's application and recording the markers. Those checks included reviewing information recorded by other financial businesses on credit and fraud prevention databases, and they led BOI to conclude that Ms G had provided false information on her application. The information BOI reviewed included previous applications Ms G had made for credit, including the 2014 one which Ms G has mentioned. BOI didn't have to give Ms G details of why it reached the conclusion it did, and when she made her application Ms G had agreed that it could share information about the application with credit reference and fraud prevention agencies.

BOI did, however, have to keep in mind the principles and requirements of the fraud prevention databases before recording information on them about Ms G. Cifas, for example, says its members should only record a marker about an individual where there's clear relevant and rigorous evidence of fraud, such that they could confidently report the matter to the police. It doesn't require such a report to be made, but that's the standard of proof it requires.

This is the standard I've kept in mind in considering whether BOI acted fairly here. I would expect BOI also to have taken it into account in considering whether to remove the markers in the light of Ms G's further explanations – and I think it did so.

In all the circumstances, I think BOI had reasonable grounds to record the markers it did about Ms G with fraud prevention agencies. And on the evidence I've seen, I don't consider its decision not to remove the markers was unreasonable, so I don't require it to do so now. I think there were, and are, reasonable grounds for BOI to consider that Ms G didn't give accurate information in her mortgage application, and that she didn't do so inadvertently. It was therefore fair for it to conclude that the standard for recording the markers was met.

My final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms G to accept or reject my decision before 15 June 2022.

Janet Millington

Ombudsman