

## The complaint

Mr F complains Liverpool Victoria Insurance Company Limited (LV) had incorrectly recorded his car registration details and this resulted in him being charged with driving his car without the required insurance. He further complained it had spoken to a third party without his permission

## What happened

Mr F said in July 2016 he had been stopped by the police and they said his car was not insured. Mr F said he held a policy with LV at the time. He said the police charged him with driving without insurance. Mr F further said penalty points were added to his driving licence, he obtained a fine of £200 and in addition had to pay £800 to get his car released from the police.

In May 2022 Mr F complained to LV that it had made errors in reference to the details of the car recorded on his motor insurance policy in 2016. He also said his son had called LV in 2016 and it had discussed Mr F's policy with him without his permission.

LV asked Mr F to send in evidence of the incident and the related fines and costs. This was not provided so it closed his complaint.

As Mr F was not happy with LV, he brought the complaint to our service.

Our investigator did not uphold the complaint. They looked into the case and said LV asked Mr F for information to evidence what he had complained about. As he didn't provide the information they said LV fairly closed his complaint.

As Mr F is unhappy with our investigator's view the complaint has been brought to me for a final decision to be made.

## 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.

I saw Mr F provided LV with his account of what happened in 2016 and he has given dates between which he believes the incident to have happened. He said he was taken into hospital after being stopped by the police.

Mr F provided a statement from his son in which his son said he made a call to LV on 24 July 2016. He said during this call he explained the situation about his father being in hospital and LV then provided information about the policy that was in his father's name.

LV was unable to obtain the call recording from 2016 at the time Mr F made his complaint in 2022. The Financial Conduct Authority (FCA) require insurers to *retain its records relating to appropriateness for a minimum of five years*. As Mr F did not bring a complaint until more

than five years after the incident, it is acceptable, and within the FCA rules, that it no longer held the recording of this call.

Due to the call recording no longer being available I am unable to conclude one way or the other if LV made any errors regarding this part of Mr F's complaint.

I looked at the information still held by LV. This included details of Mr F's policy from 2016 and the level of cover he held. It confirmed Mr F did have insurance in place at the time of the event that caused the complaint.

The evidence showed Mr F's motor insurance policy started on 20 June 2016 and the correct registration number was used at the start. I have not seen evidence of incorrect registration details being recorded by LV.

As Mr F raised this complaint and is claiming for financial losses, LV need to see evidence of what losses he suffered as a result of something it did. It is not an unreasonable request to ask for such evidence.

Mr F said LV should contact the police to obtain the information it requires. As this is Mr F's personal data this is not possible. Mr F needs to contact the police himself to obtain this.

As Mr F has not provided the evidence requested, LV has been unable to investigate the points made by him.

LV has said once Mr F sends it proof of the date and reason he was stopped by the police, and evidence to show the losses he suffered as a result of an error LV made, it would consider his request further.

I think LV have been reasonable in its request for proof of the incident and the financial losses. And I think Mr F has been given adequate time to provide this since he made the complaint to LV in 2022. I saw our investigator also asked Mr F to provide the required information to allow LV to investigate his complaint and he said he didn't have it but would try to obtain it.

Therefore, I do not uphold Mr F's complaint and think LV have been fair in closing this complaint due to the lack of evidence provided by him to prove his losses.

### **My final decision**

For the reasons I have given I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 16 August 2023.

Sally-Ann Harding  
**Ombudsman**