

The complaint

Mr T has complained about the problems he encountered trying to comply with American Express Services Europe Limited's 'Knowing Your Customer' (KYC) process. He is also dissatisfied with the way that it dealt with his complaint. In addition, he said that he hadn't received a response to a subject access request (SAR) that he made.

What happened

Our investigator has previously set out the timeline of events in some detail and so I don't intend to repeat it all again here.

In summary, Amex first contacted Mr T about the KYC process in March 2022. He was instructed to answer some questions and upload ID documents via a link to an online portal. From 1 July 2022 he tried numerous times to upload the documents but constantly received error messages at the point of submission. He was in regular phone contact with Amex about the problems he was experiencing and told it that he had dyslexia and autism and so needed additional support. He was subsequently told that he could send the information by post or upload it to the general document centre.

On 9 September 2022 he received a message from Amex giving him 15 days' notice to provide the required documents. However, his card was blocked later the same day, which caused Mr T many difficulties. It was then blocked again on 26 September 2022 and problems persisted beyond that point.

Our investigator upheld the complaint and recommended that Amex pay £500 compensation, to which it agreed.

In relation to the SAR, Amex had responded within the necessary timeframe on 4 January 2023. Mr T then found the email but couldn't open it because the link had expired. Therefore, our investigator also recommended that Amex should re-send the email to Mr T.

Mr T disagrees with the investigator's view and so the complaint has been passed to me for a 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.

Having looked through everything, I agree with the investigator for the same reasons. I will explain why.

I'm aware I've summarised the events surrounding this complaint in less detail than the parties involved. No discourtesy is intended by my approach which reflects the informal nature of this service. I want to assure all parties that I've read and considered everything on file. I'm satisfied I don't need to comment on every point raised to fairly reach my decision. And if I don't comment on something, it's not because I haven't considered it. It's because

I've focused on what I think are the key issues. My approach is in line with the rules we operate under.

KYC process

Mr T has said that as he is disabled, Amex was required to make reasonable adjustments. And because it failed to do so, it was in breach of the Equality Act 2010. In deciding this complaint and when looking at what is fair and reasonable, I have of course taken account of the relevant law. But I don't have the power to make a finding on whether or not Amex have breached the Equality Act 2010. If Mr T wants a finding on this, he would need to go to court.

Amex says it hasn't been able to identify any widespread technical issues with its KYC portal. I've listened to the frequent calls that Mr T made to Amex in which he expresses frustration at the number of times he's tried to complete the process. It's clear that he is reasonably technically savvy, having tried to problem solve the issue by using different browsers etc. He'd also asked other people to try on his behalf. I've no reason to doubt Mr T's version of events and so, on balance, I'm satisfied that Amex's systems probably were at fault.

Mr T's disabilities didn't prevent him from using the KYC portal, it's the fact that the portal wasn't working properly that was the problem. But I appreciate what he has said about his autism causing him to become more frustrated by the technical issues. And I agree that, once that issue was identified, Amex needed to offer him an alternative means of completing the process.

Amex said that Mr T could send in the documentation by post. In normal circumstances I'd say this was a reasonable response. However, because Mr T was abroad for long periods working, this wasn't an easy option for him.

Amex should have identified that Mr T had a very particular set of circumstances that was making it difficult for him to complete the KYC process. It would also have been very clear to Amex that Mr T was trying hard to get matters sorted but was unable to. So, someone should have taken ownership of the case, but this didn't happen.

Mr T was never able to speak directly to anyone in the KYC team. He was sent generic messages that didn't always explain what information was still outstanding. He was sometimes told over the phone that everything was in order, only to receive messages later saying that information was still required. Although he was told that he could upload documents to the regular document submission centre rather than the KYC portal, the KYC team didn't have general access to the document centre and didn't coordinate checking to see if Mr T had uploaded anything. And, as already mentioned, the card was blocked with no notice.

I'm satisfied that Mr T received poor service from Amex and that he suffered detriment as a result. From listening to the phone calls, it's clear that Mr T is sometimes very distressed by the lack of progress he has been able to make and that the matter affected his health. In addition, his card was blocked on 9 September 2022 whilst he was away on a business trip. This caused him embarrassment when his card was declined. He couldn't buy food, he cancelled a business dinner due to not being able to pay and he was worried that he wouldn't be able to check out of his hotel the following day. His mother's supplementary card was also blocked leading to further distress.

Complaint handling

Mr T says that Amex failed to register his initial complaint. He'd asked for a manager to call him back on more than one occasion but that hadn't happened. A complaint was raised on 28 July 2022 and was concluded on 11 October 2022 when Amex issued its final response letter. However, Mr T didn't receive this as Amex sent it to an incorrect email address and Mr T had to chase for it.

Mr T's main dissatisfaction is that the complaint was dealt with by an inexperienced complaint handler who didn't address all of the specific points that Mr T had made. I've listened to some calls where Mr T makes it clear that he wants the whole chain of events, and the poor service he'd received along the way, to be considered. But the final response letter basically says the complaint wasn't upheld because the correct KYC procedure had been followed. I can understand why Mr T felt that Amex hadn't really looked at his complaint.

Overall, I don't think Amex acted fairly when dealing with the KYC process or Mr T's subsequent complaint.

When it comes to compensation, awards made by this service are more modest than Mr T might hope or expect. I understand that he thinks he should receive considerably more than the £500 recommended by our investigator. I've thought very carefully about what Mr T has told us about the impact that this had on him, particularly to his mental and physical health and the inconvenience in having to take time off etc. I have a great deal of sympathy for Mr T and what he was put through. But based on the available evidence, I agree with our investigator that £500 is a reasonable and proportionate amount to compensate Mr T for his distress and inconvenience.

My final decision

My decision is that I uphold Mr T's complaint and require American Express Services Europe Limited to pay Mr T £500 compensation. It should also re-send the SAR email to Mr T if it hasn't already done so.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 16 August 2023.

Carole Clark
Ombudsman