

## **The complaint**

Mr A complains that Equifax Limited loaded fraud markers against his name.

## **What happened**

As both parties are familiar with the circumstances of this complaint, I've summarised them briefly below.

Mr A applied for information from Cifas—a fraud prevention service—after he experienced some of his financial products closing down. This revealed that, in March 2021, Equifax loaded adverse fraud markers against his name for false applications.

Mr A complained to Equifax and asked it to remove the markers. But Equifax responded stating that it was unable to provide a response to his complaint within the allotted timescales and referred him to our service.

An Investigator at our service considered the evidence provided by both parties.

Equifax submitted evidence to support the loading of the marker. It said that Mr A had made multiple applications using numerous aliases, personal details and conflicting identity documents. It said that technical data associated with these applications revealed that Mr A was likely the person submitting the false applications, and therefore felt the marker was applied fairly in the circumstances.

Mr A denied this. He said he'd only made legitimate applications to Equifax and had never been known by any other alias.

The Investigator concluded that Equifax was fair in loading the marker. Overall, they felt Equifax had provided sufficient evidence to support Mr A's involvement in the false applications, and this satisfied Cifas' burden of proof. Therefore, they didn't recommend that the complaint be upheld.

Mr A disagreed. He responded to the Investigator's assessment setting out that he must have himself been a victim of hacking, identity theft and impersonation.

As Mr A disagreed with the Investigator's assessment, the matter has now been passed to me for 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.

Cifas members, such as Equifax, must adhere to the standards set out by Cifas in its National Fraud Database Handbook.

In order for a member to satisfy itself that an adverse loading is warranted in the circumstances, Cifas requires that its members meet certain standards of proof. These

include:

- That there are reasonable grounds to believe that a fraud or financial crime has been committed or attempted.
- That the evidence must be clear, relevant and rigorous.

This means that the member cannot load a marker based on mere suspicion. It must have clear and robust evidence to support that a financial crime has been committed or attempted, and that the person it intends to load the marker against had witting involvement in this act. It does not however need to go as far as proving this beyond all reasonable doubt.

Here, Equifax has provided detailed and thorough technical data in its submissions. It says that the information it has provided our service supports the likelihood that Mr A was responsible, or involved in, making multiple applications to Equifax using numerous aliases and suspected falsified identity documents. Having considered this evidence, I'm persuaded that Equifax has demonstrated it met the bar to load a marker against Mr A's name.

While I'm unable to share the intricate details of the technical information Equifax has provided our service, I would like to assure Mr A that this has been considered carefully. The data Equifax has provided gives strong indication that numerous accounts and applications were made to it in various alias names by the same individual. And some of the internet protocol addresses and devices used in genuine applications he's made have been linked to these accounts.

As Mr A told Equifax and our service that he'd never been known by any other alias, it's reasonable that Experian has deemed these applications to be fraudulent, as it's likely there has been some form of misrepresentation when making them.

I'd like to reassure Mr A that I'm in no way accusing him directly of being responsible for these actions; that is beyond my role here. But I'm merely testing Equifax's evidence against the standards of proof it must meet in order to load the marker against him. And having done so, I'm satisfied that there is sufficient linkage to Mr A and the other applications made to support such a loading.

Mr A has made representations that he was likely victim to some form of hacking and identity theft, but I have no evidence to support this submission.

### **My final decision**

For the reasons I've given above, I don't uphold Mr A's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 3 July 2023.

Stephen Westlake  
**Ombudsman**