

## **The complaint**

Mr B has complained AutoMoney Limited lodged a fraud-related marker on the industry fraud database, CIFAS, in his name.

## **What happened**

In 2023 Mr B realised there was a CIFAS marker lodged against his name based on a false application made for finance. He complained to AutoMoney as he said he'd never made any application to them for car finance.

AutoMoney believed they had sufficient evidence to lodge the CIFAS marker. This was based on the payslip and driving licence evidence that had been submitted in support of the finance application. AutoMoney wouldn't remove the marker.

Mr B complained to our service.

Our investigator reviewed the evidence and believed this showed AutoMoney had sufficient evidence to lodge the marker. She wasn't going to ask AutoMoney to do anything further.

Mr B disagreed with this outcome. He's asked an ombudsman to consider his complaint.

## **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 done so, I've reached the same outcome as our investigator. I'll explain why.

It is clear what the requirements are prior to lodging a marker. Specifically:

*“There must be reasonable grounds to believe that an identified fraud or financial crime has been committed or attempted.*

*The evidence must be clear, relevant and rigorous such that the member could confidently report the conduct of the subject to the police.”*

So AutoMoney must be able to provide clear evidence that an identified fraud was being committed and Mr B was involved.

I've seen the evidence provided by AutoMoney. This confirms that AutoMoney received payslips and a copy of Mr B's driving licence from the credit broker in support of Mr B's credit application.

They were also able to supply copies of two telephone calls. One was from November 2022 when someone called AutoMoney to query why their application had been declined. The other call was from December 2023 when Mr B called AutoMoney to complain about the CIFAS marker.

Both of these calls were made from the same mobile number. This was the same number as the one used by Mr B in his complaint to our service. I can't be definitive both voices are identical, but I can certainly see why someone listening to these calls – along with Mr B's calls to our service – would be satisfied this is the same person.

AutoMoney believe the payslip and driving licence evidence was falsified. From what I've seen, I also believe this is most likely.

I've considered what Mr B has told us. He believes one of his carers, or a relative, could have made the false application in his name and this would certainly explain why the documents supplied in support of the application were faked.

However I also note all the application details that I'm aware of – name, address, telephone number, date of birth – match Mr B's. That doesn't mean definitively Mr B must have made the application but looking at all the evidence, I think this is most likely.

The requirement on AutoMoney is for evidence to go above mere suspicion and I'm satisfied they've supplied this to us. I know Mr B disputes this but overall I'm satisfied that AutoMoney had sufficient clear evidence to lodge the CIFAS marker.

### **My final decision**

For the reasons given, my final decision is not to uphold Mr B's complaint against AutoMoney Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr B to accept or reject my decision before 3 July 2024.

Sandra Quinn  
**Ombudsman**