

## **The complaint**

Mr B complains that The Royal Bank of Scotland Plc (RBS) treated him unfairly when it recorded a marker against him at Cifas, a fraud database.

## **What happened**

A brief summary of what happened is below.

Mr B applied for an account with RBS in February 2024, but after some checks the application was declined. Mr B did a Data Subject Access Request to see what information was held about him. He saw RBS had recorded a marker with Cifas for not disclosing another address linked to him.

Mr B said he hadn't done anything wrong, and he wanted the marker removed as it was having a profound effect on his day-to-day life. He was aware of another fraud marker against him by another bank but told RBS it had since been removed.

RBS forwarded information from Mr B to its relevant department to review. However, it still considered the loading to be correct. Dissatisfied, Mr B asked us to take a look.

One of our Investigators considered the complaint. But she didn't uphold it. She said, she'd looked at the available evidence and could see Mr B had told RBS that he'd lived at address 'X' since January 2020. But his DSAR and other information linked him to a different address, 'Y' much later. And this was something RBS had found when undertaking searches as part of the application. She looked at the threshold for recording a false application marker at Cifas and was satisfied RBS had enough information to file it, because she agreed the circumstances showed material information hadn't been deliberately disclosed.

Mr B disagreed. He maintained the case against him wasn't fair and provided additional information.

When the investigator didn't change her mind, the case was put forward 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 done so, I'm not upholding this complaint. I realise Mr B will be disappointed, so I'll explain why.

Cifas is a fraud prevention database. Before making an entry with it, a firm must meet its "standard of proof" – which is that there are reasonable grounds to believe that a fraud or financial crime has been committed or attempted and that the evidence must be clear, relevant, and rigorous.

As part of the application, RBS asked Mr B if he had more than one previous address in the last three years, and to give details. I've examined the application and can see Mr B only

gave one address – that of X and he said he'd been there since January 2020. I can see that at the relevant time, he had misuse of facility marker recorded against him from August 2023 by a different bank at the other address, Y. But not just this, there were a number of account and other facilities in Mr B's name with address Y and within the last three years. As can be seen on his credit file. Considering, what the searches showed, I can understand why RBS believed material information about an address had been withheld.

I've thought about why Mr B thinks the loading is unfair, but I haven't seen anything compelling why he may have omitted information through an honest mistake. Given Mr B's clear links to another address within the last three years of the application to RBS, I think RBS had enough to show that the details had been withheld deliberately.

I can see Mr B has had the Cifas marker removed by the other bank. But RBS considered this and ultimately maintained its position was reasonable, given his links to other facilities at the other address and for the time period in question.

Weighing all of these points, I'm satisfied RBS had enough information to report the false application marker and for completeness the bank wasn't under an obligation to offer an account in these circumstances. It follows that I won't be asking RBS to do anything further.

### **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 Mr B to accept or reject my decision before 20 February 2025.

Sarita Taylor  
**Ombudsman**