

## **The complaint**

Mr G complains that American Express Services Europe Limited (AESEL) recorded information about him on the Cifas national fraud database.

## **What happened**

Mr G had an account with AESEL. In April 2023, AESEL emailed Mr G to say it had suspended his account while it conducted a review. It asked him to provide copies of two months bank statements showing his pay slip deposits. But after AESEL received the bank statements it decided to close Mr G's account. At the same time, AESEL recorded information about the closure on the Cifas national fraud database.

Mr G says that, as a consequence, he was unable to get a bank account in the UK. He wants AESEL to remove the information it has recorded.

Our investigator looked at this. He concluded that what AESEL had done was fair.

Mr G doesn't agree. The complaint has been referred to me to decide.

In his complaint, Mr G also mentioned a default and missed payment marker applied to his credit file. He says AESEL has now resolved this matter separately. I won't look at it in this 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.

The marker AESEL has filed with Cifas is intended to record that there's been a "misuse of facility" – relating to Mr G providing a false document. In order to file this information with Cifas, AESEL needed to have clear, relevant and rigorous evidence to show that Mr G submitted false documents for the purposes of obtaining a benefit. AESEL does not need to show fraud or financial crime has been committed or attempted beyond reasonable doubt. But they must demonstrate that there are sufficient grounds to believe a financial crime was committed or attempted – mere suspicion or concern is not enough. And a marker shouldn't be registered against someone who was unwitting – there should be enough evidence to show deliberate complicity.

Here, AESEL contacted Mr G to ask for information about his income. But Mr G says a friend submitted false documents on his behalf. He says that after AESEL contacted him to ask for his bank statements, he asked this friend what he should do. He says his friend said "I should leave it up to him". Shortly after this, AESEL closed Mr G's account. Mr G says that he afterwards discovered that someone had sent bank statements to AESEL. He says he doesn't bank with the bank shown on these statements. He's also sent us copies of further statements, with another bank, which he says – and I accept – are genuine.

While I recognise this will be disappointing to Mr G, I don't find his explanation that these

false documents were submitted without his involvement plausible or persuasive. The email from AESEL was self-explanatory. AESEL wanted to see Mr G's statements showing his regular income. Even if I accept that Mr G needed to consult a friend for advice on what to do next, there is no good reason why Mr G's friend would then submit false documents. Plainly there was some issue which meant Mr G felt he couldn't submit genuine documents to AESEL – otherwise he'd have done so. I further note that the documents were apparently submitted from an email address used by Mr G – and that when Mr G first complained to us, he said he'd sent AESEL them himself. In his complaint form, Mr G wrote: "They asked me for all papers. I sent it to them and then they told me that they will close my account". It appears Mr G also told AESEL he may have been hacked or been the victim of identity theft. But this explanation is fundamentally at odds with the rest of what Mr G has said happened.

With this in mind:

- Mr G accepts that the documents submitted to AESEL were false.
- Mr G says that a friend submitted these documents to AESEL after he asked this friend what he should do in response to AESEL's request for information. For the reasons above, I think its most likely that Mr G was a willing participant in what happened.
- Mr G says AESEL never gave him an opportunity to explain what happened. But I see AESEL did speak to Mr G about what happened – and given the false documents that were submitted I don't accept that AESEL would have reached a different conclusion had it had the benefit of Mr G's subsequent explanation of what happened.

Based on what I've seen, I cannot accept that the information AESEL recorded with Cifas was incorrect. I find that it was fair and reasonable for AESEL to record the information against Mr G for misuse of facility.

I've considered Mr G's further comments. Mr G says that as a result of the information recorded with Cifas he's unable to open a bank account – and that this is having an impact on him and his family. I don't doubt that the recording of this information is having a real impact on Mr G. But as I've concluded that AESEL had grounds to record this information, this isn't something AESEL should compensate Mr G for.

In all the circumstances, I find that what AESEL did was fair.

**My final decision**

I don't uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 28 October 2024.

Rebecca Hardman

**Ombudsman**