

## The complaint

Mr D has complained that Triodos Bank UK Limited registered a fraud marker against him.

## What happened

In summer 2023, Mr D applied for a current account with Triodos. He provided an address I'll refer to as Address 1. He was asked how long he'd lived there, and he said since June 2018. Then in subsequent calls with Triodos, when Mr D was asked his address he consistently said Address 1.

At first, Triodos granted Mr D the account. On review, they found that Mr D was registered on the electoral roll at another address, which I'll call Address 2. Other accounts of Mr D's were registered to Address 2, including adverse data which would've prevented him from being granted the Triodos account. Triodos closed the account and registered a fraud marker against Mr D, though they didn't clarify things with him at the time.

Mr D complained. He's said that Address 1 and Address 2 were both relevant addresses, but he was resident at Address 1 so he put that one down; that Address 2 was an old address from more than 3 years ago, so he wasn't required to disclose it in the application; and that while he had not been living at Address 1 for more than 3 years, he didn't know why the application said he'd lived there since June 2018, and it must've been a mistake.

Our Investigator looked into things independently and didn't uphold the complaint. Mr D didn't agree, so the complaint's been passed to me to decide.

I sent Mr D and Triodos a provisional decision on 14 August 2024, to explain why I didn't think the complaint should be upheld. In that decision, I said:

*In order to justify this marker, Triodos are not required to prove beyond all reasonable doubt that Mr D did something wrong. They do need to have reasonable grounds to believe that he'd deliberately given false information or withheld an address, which goes beyond a suspicion or concern, and which has appropriate supporting evidence. Having carefully considered everything that both sides have said and provided so far, I currently think there are sufficient grounds for this marker to remain in place. I'll explain why.*

*It's disappointing that Triodos didn't specifically get in touch with Mr D to clarify the discrepancy in his address before adding the marker. But I've considered the other evidence at hand to decide whether the marker should fairly remain.*

*The application was clear in asking Mr D for his address history. It said he'd need to have his previous addresses if he'd moved in the last three years. He was asked to pick the move-in date using a calendar. The electronic records are clear that Mr D put in Address 1, and said he'd lived there since June 2018. He was then asked to double-check and confirm this information, and he did. He then repeatedly and consistently confirmed his address as being Address 1 in his later calls with Triodos. He never provided Address 2 as his address to Triodos at any point before this complaint. So I'm satisfied that Mr D provided Address 1 as his address knowingly, and not by mistake.*

*We asked Mr D for evidence of living at Address 1 at the times he said he did. For example, we asked for a tenancy or lease agreement and rent payments, council tax bills or other government correspondence addressed there, tax returns or payslips addressed there, bank statements, insurance policies, or household bills addressed there, or any ID with Address 1 listed as his address. However, Mr D has not provided any such evidence. And I've not been able to find any evidence showing that Mr D was resident at that address at the time of the application, nor all the way back in 2018.*

*Mr D previously said he was making subject access requests which would take up to a month. But it's been over a month since he confirmed he was gathering the information, and about a month and a half since we asked for it. We can't keep cases on hold indefinitely. And most of the information requested are documents which Mr D would have as standard if he really lived at Address 1, and did not require subject access requests to gather. So I find it's best to move forward based on the information we have at present. In any case, I've written this as a provisional decision, rather a final decision, to give Mr D a further four weeks to provide any relevant information.*

*So at present, we have no evidence which shows or reasonably substantiates that Mr D lived at Address 1 either at the point of the application, or back in 2018 as claimed.*

*On the other hand, there is plenty of evidence which substantiates that Address 2 was Mr D's correct address, rather than Address 1. For example:*

- Mr D was not registered on the electoral roll at Address 1*
- Someone else was registered at Address 1, from 2017 onwards*
- Mr D was registered on the electoral roll at Address 2 from 2005 onwards*
- Mr D's family was also registered at Address 2*
- Mr D's other financial accounts were registered at Address 2, including accounts registered from June 2018 onwards*
- Mr D's communications accounts and car insurance were registered to Address 2, both historically and at the point of the application*
- Mr D continued to register his accounts at Address 2 right up to the most recent one before this application, which was only months prior*
- When he came to our service, Mr D provided Address 2 as his address*

*So we have no evidence that Address 1 was Mr D's address at the time of the application or for more than three years prior – even where evidence should be straightforward for Mr D to provide if he really did live there. On the other hand, the evidence we do have strongly substantiates that Address 2 was correct, both at the point of the application and during the prior three years. And it's not likely or plausible that Mr D put down both the wrong address and the wrong time at his address, and confirmed them again when asked to check, and confirmed the address over the phone repeatedly, all by accident.*

*Address 2 contained a notably large amount of adverse data, which Triodos have confirmed would have prevented Mr D from being granted this account. And I can see that Mr D was having trouble opening accounts at that address. So Mr D had a clear motivation to withhold that address.*

*I'm afraid I do also need to point out that Mr D's testimony has been contradictory. For example, at different points he's said that he didn't provide Address 2 because he hadn't lived there since more than three years before the application; or that Address 2 was a previous address from within the prior three years and he'd just put down the wrong date by mistake; or that Address 2 was a current address at the time of the application but so was Address 1 and he preferred to use Address 1. This means that I cannot reasonably rely on Mr D's testimony.*

*Lastly, Mr D pointed out that we'd previously told a different bank to remove a different fraud marker of his, relating to a different matter from a different year. But while I do appreciate why he raised this, we look at different situations differently, and consider each case on its own merits. While we may not have thought that there was quite enough evidence to maintain that marker, I currently find that there is enough evidence to justify this particular marker remaining.*

*So even if I accept that Triodos should've done more to clarify things with Mr D first, given the evidence at hand even after he's clarified things, it seems fair for the marker to remain. This is a difficult message for me to give, and I know it's a difficult message for Mr D to receive. But given the evidence I have so far, and the balance of probabilities, I'm currently unable to reasonably reach any other conclusion.*

Mr D provided new information, and I then sent a second provisional decision on 3 October 2024, to explain why I now thought the complaint should be upheld. In that decision, I said:

*Mr D has apologised for causing confusion with his prior testimony. He's provided evidence that he has medical conditions which cause memory issues, deficits in literacy and visual processing, difficulty focusing on detailed tasks, and difficulty filling in things like applications and forms.*

*Mr D clarified that he was resident at Address 1 at the time, whereas Address 2 was his parents' address – which fits with the parties on the electoral roll. Address 2 is only a short walk from Address 1. Mr D clarified that, while he was not resident at Address 2, it was his old address from childhood, his bedroom was available and he still stayed there often, and it was convenient to receive important post there, hence why he was registered to vote there.*

*Mr D provided documents showing that he was resident at Address 1 both at the time of the application and since at least 2021. This included bills and government correspondence. I can also see from his credit file that he was registered there for utilities since at least 2021. So it seems reasonable that he put Address 1 as his address on the application and used it when speaking to Triodos, regardless of whether that's where his other accounts were registered to. It seems it was, after all, his actual place of residence.*

*Mr D has explained that he got the move-in date on the application wrong by mistake. His medical conditions would appear to create exactly this sort of difficulty in exactly this sort of task. And because Triodos didn't clarify this with him at the time, I cannot now rule out that it was just a mistake. This goes to show how important it is that Triodos contacts customers before registering a fraud marker against them – as they should well know they're required and expected to do.*

*I do appreciate that Triodos did not have this evidence at the time, that Mr D took a long time to provide it even to our service, and that – per the previous provisional decision – it would have looked like Address 2 was correct at the time of Triodos' review. But given the new information which has now come to light, I cannot be reasonably satisfied that Mr D was intentionally trying to deceive Triodos, and I cannot fairly rule out that this was simply a mistake. So I find that the best thing now is for the marker to be removed.*

I said I'd consider anything else anyone wanted to give me – so long as I received it before 17 October 2024.

### **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.

Triodos accepted the second provisional decision. They agreed to remove the marker in light of the new information, for which I'm grateful. Mr D didn't add anything further.

As such, neither side have sent me any new evidence or arguments. So having reconsidered the case, I've come to the same conclusion as before, and for the same reasons as set out in my second provisional decision above.

### **Putting things right**

I direct Triodos Bank UK Limited to remove any information they've shared with fraud marker databases in relation to this matter, if they've not done so already.

### **My final decision**

I uphold Mr D's complaint, and direct Triodos Bank UK Limited to remove any information they've shared with fraud marker databases in relation to this matter.

If Mr D accepts the final decision, Triodos Bank UK Limited must carry out the redress within 28 days of the date our service notifies them of the acceptance.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 15 November 2024.

Adam Charles  
**Ombudsman**