

## The complaint

Miss D complains Barclays Bank UK PLC treated her unfairly when it recorded a marker against her at Cifas, a fraud database.

## What happened

I issued my provisional decision on this complaint, setting out what I intended to decide and why. I invited both parties to let me have any further comments before I reconsidered the case. A copy of my provisional decision is below.

### Copy of provisional decision

#### *What happened*

*A summary of what happened is below.*

*Miss D applied for an account with Barclays in May 2019, but after some checks the account was declined. Miss D later did a Data Subject Access Request to see what information was held about her. She saw Barclays had recorded a marker with Cifas for not disclosing an address she'd lived at previously.*

*Miss D said she'd given the bank the address she'd lived at since 2015, which was all the information it had requested. Barclays forwarded information from Miss D to its relevant department to review. However, it considered the loading to be correct. Dissatisfied, Miss D asked us to take a look.*

*One of our investigators reviewed the complaint. He could see there was adverse information on Miss D's credit file from 2017 at the address Barclays had found her linked to and that she had not disclosed. Because this was within the last three years of her account application, he thought Barclays had enough to demonstrate Miss D had deliberately withheld relevant information to improve her chances of getting an account.*

*Miss D refuted this. She maintained she'd left that address in 2015 and provided a copy of a document from a tenancy at the address she'd given Barclays, which she said showed she had begun living there in 2015. She also provided information from the electoral services about what details it had for and from when.*

*When the investigator didn't change his mind, the case was put forward for a decision.*

#### *What I've provisionally 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 upholding this complaint for the following reasons:*

*- As part of the account opening application, Barclays asked Miss D to provide her*

address details for the last three years. Miss D gave a single address which she said she's been at for longer than three years. Whilst Barclays background checks found a previous address and one which she appeared to still be linked to in 2017, other evidence shows she'd left that address in 2015. With this provisional decision, I've attached a joint tenancy request form, which Miss D's parents completed in 2015. This required them to list all the occupants in the property (at the address Miss D gave Barclays). Miss D's name is not only included but it confirms she'd been living there for at least four weeks. The form is date stamped for November 2015. I think this supports Miss D case that she was no longer at the address Barclays found a link to, and since 2015.

- We asked Miss D why adverse data on her credit file still linked her at the previous address, and she explained that she'd never updated the details. I find her explanation persuasive when thinking about the other available evidence.

- In addition to the form, I've also seen an email exchange between Miss D and the electoral service from 2024. It confirms that it's seen evidence that she was listed as an occupant at the address she gave Barclays on the annual household registration enquiry form in 2016. It said that it sent her invitations to register to vote, but she didn't do so for a number of years. In my view, this is further evidence that Miss D was at the address she'd given Barclays and for the period it asked her about and hadn't misled it.

- I'm also satisfied that if Barclays had checked the information with her, before making the filing, Miss D could have explained the situation and the trouble and upset caused by the bank been avoided. But there's nothing to show Barclays made any enquiries to check the accuracy of the information it had found.

- Considering everything, I will be requiring Barclays to remove the fraud marker it has recorded against Miss D at Cifas and on any other fraud database. I will also be requiring it to pay her £150 to say sorry for the aggravation this matter has caused. I consider this amount fair, and since Miss D appears to have been unaware of the loading for most of the time. Furthermore, I believe that if she experienced difficulties in the interim period, this was most likely because there was also other adverse data recorded against her.

*My provisional decision*

*My provisional decision is that Barclays Bank UK PLC should remove the marker it has recorded against Miss D at Cifas and from any other fraud database. It should also pay her £150.*

### Summary of the responses

Miss D responded to say that she was grateful for my provisional conclusions, but she didn't feel the compensation reflected the difficulties she'd experienced because of the information. She said she hadn't been able to get a job or banking facilities and this situation left her feeling upset. She wanted Barclays to open a basic bank account for her.

Barclays didn't accept the provisional decision.

In terms of checking the accuracy of the information it had found, it said it had investigated the application because it had reviewed the information Miss D had provided when she applied against the results of its searches. In this instance, it had not only found adverse data, but a misuse of facility marker recorded by a different bank. This would have prevented

Miss D's application from being approved and it wouldn't have been relevant for Barclays to check the address information with her.

It was happy to accept Miss D hadn't updated her address in relation to the adverse credit information but the liability for the situation was hers and not its. It didn't have an appetite to open the account.

Finally, it didn't think there was a basis for paying £150 compensation for the aggravation I had said Miss D had been caused, as she also had a misuse of facility marker. It believed the impact of the false application marker wouldn't have exceeded any detriment that the other marker would have caused. It believed a proportionate resolution would be to downgrade the marker to 'suspect', because if Miss D had still provided the conflicting address information due to not updating her details with other providers, it would have still declined her application but for a different reason.

The case was passed back to me.

### **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.

I have considered the responses from the parties but I haven't seen anything compelling to change my provisional conclusions. I say this for the following reasons:

- I don't consider Miss D is entitled to more compensation as she already had another marker recorded against her at Cifas. The seriousness of that marker would have influenced her ability to secure account facilities and do other things.
- I accept Barclays looked at the information it got at the point of application. And I can understand why it didn't wish to provide an account. That's a legitimate commercial decision for it to take. But given the serious nature of making a filing, I think on discovering the address discrepancies, it should have taken steps to check those with her. It wouldn't have changed its decision to offer the account, but Miss D could have provided the form that she supplied as part of her complaint. And I think there's a strong possibility that this may have prevented the filing for not disclosing an address. In view of this, I believe a small payment of compensation is still warranted for the trouble caused.
- I don't agree with Barclays suggestion to downgrading the marker to suspect either. I'm of the view that the false application marker should be deleted, as Miss D wasn't misleading the bank on her address.
- Finally, Miss D would like Barclays to open a basic account for her. However, I'm not going to require it to do that as part of this decision. Barclays says it didn't have the risk appetite to offer the account (given the other information it found about her). I've looked at the information and I don't think its position on opening the account was unreasonable.

### **My final decision**

My final decision is that Barclays Bank UK PLC should remove the fraud marker it has recorded against Miss D at Cifas and from any other fraud database. It should also pay her £150.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss D to accept or reject my decision before 24 February 2025.

Sarita Taylor  
**Ombudsman**