

## **The complaint**

Mr F complains that American Express Services Europe Limited ('AESEL') registered an adverse CIFAS marker against him.

## **What happened**

In September 2023, AESEL requested some documentation from Mr F as part of a review. In a letter that was sent to Mr F, AESEL outlined what information it required. Mr F responded and provided the requested documents shortly after.

AESEL reviewed the information Mr F provided. It decided to close his card account and wrote to Mr F in September 2023, to confirm it would be closing the account with 60 days' notice.

In January 2025, Mr F complained to AESEL because he discovered it had registered a Credit Industry Fraud Avoidance System (CIFAS) marker against him in September 2023. Mr F explained the CIFAS marker was affecting his ability to obtain credit. So, he asked AESEL to remove the marker.

AESEL responded to the complaint and informed Mr F it wouldn't be removing the CIFAS marker. It explained that AESEL had an obligation under its CIFAS membership to report into the CIFAS fraud database, to help prevent fraud against other CIFAS members. AESEL added that the CIFAS marker had been applied correctly.

Mr F subsequently referred his complaint to this service. One of our Investigators looked into Mr F's complaint and decided not to uphold it. In summary, they said:

- The CIFAS marker was registered by AESEL because it believed Mr F provided falsified documents following AESEL's request for information
- AESEL had acted fairly in applying the CIFAS marker based on the evidence provided
- AESEL was fulfilling its duties to report such activity to CIFAS and in doing so, met its regulatory requirements

Mr F disagreed with our Investigator. He said he hadn't been treated fairly and didn't think the evidence had been examined properly.

As no agreement could be reached, the matter has been passed to me to decide.

## **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 have decided not to uphold this complaint. I'll explain why.

CIFAS markers can significantly impact an individual's ability to hold and open accounts. And I appreciate Mr F is extremely concerned that a marker has been filed against him.

My role is to consider if AESEL has met the required standard set by CIFAS, for it to register a marker. Specifically, in order to file such a marker, CIFAS says:

- That there are reasonable grounds to believe that a Fraud or Financial Crime has been committed or attempted
- That the evidence must be clear, relevant, and rigorous

In order to file a CIFAS marker, AESEL is not required to prove beyond reasonable doubt that Mr F is guilty of a fraud or financial crime, but it must show that there is more than a mere suspicion or concern. Having carefully reviewed the evidence provided by AESEL, I'm persuaded it has met CIFAS' standard, so I won't be asking AESEL to remove the CIFAS marker.

I understand Mr F would want to know more information about the evidence provided by AESEL. But I have accepted this information in confidence, which is something I'm able to do under the Dispute Resolution Rules (DISP), which form part of the Financial Conduct Authority's handbook.

I appreciate Mr F will be disappointed with my decision and I fully appreciate the impact the fraud marker is having on him. But I am satisfied AESEL acted fairly and reasonably in registering the CIFAS marker. And met the standards of information required to do so. It follows that I won't be asking AESEL to take any further action.

### **My final decision**

For the reasons above, I have decided not to uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr F to accept or reject my decision before 2 July 2025.

Khadijah Nakhuda  
**Ombudsman**