

## **The complaint**

Miss L is unhappy that Capital One (Europe) plc declined her credit card account applications and added CIFAS markers to her credit file that were visible to other lenders.

Miss L is supported in her complaint by her authorised representative, her husband, whom I'll refer to as 'Mr A'.

## **What happened**

In June 2024, Capital One received an application from Miss L for a credit account. After a lengthy review, Capital One declined the application as they noticed some discrepancies with the application and felt that an unauthorised third-party might have been applying using Miss L's details. Because of this, Capital One added a CIFAS marker to Miss L's credit file which provided a warning to other lenders who received an application in Miss L's name.

In October 2024, Capital One received two further applications from Miss L for a credit account. These applications were rejected by Capital One for the same reasons, and another CIFAS marker was applied by them to Miss L's credit file.

In January 2025, Capital One received a call from someone identifying themselves as Miss L about the CIFAS markers. The caller passed Capital One's account security process, discussed Miss L's account with Capital One, and was told that the CIFAS markers would be removed. However, after a later review of that call, Capital One felt that it hadn't been Miss L with whom they had spoken, so didn't remove the CIFAS markers.

The following month, a similar call took place. Once again, the caller identified themselves as Miss L and passed Capital One's security process. But once again, upon later review, Capital One felt that it hadn't been Miss L with whom they had spoken and so didn't act to remove the CIFAS markers as the caller had requested.

In May 2025, Capital One received a fourth application from Miss L, about which they again had concerns. Capital One then sent a letter to Miss L asking her to call and confirm that the application was genuine. Having received that letter, Miss L called Capital One and authorised her husband, Mr A to speak on her behalf. On this occasion, Capital One were satisfied that they had spoken with Miss L, who confirmed that the applications were genuine, which led Capital One to remove the CIFAS markers on her credit file.

Miss L wasn't happy about what had happened, including that CIFAS markers had been present on her credit file for almost a year. So, she raised a complaint. Capital One responded to Miss L but didn't feel that they'd done anything wrong by holding the concerns that they had or by applying the CIFAS markers. But Capital One did apologise to Miss L for incorrect information provided on the January and February calls – which Capital One felt had been with Miss L's husband. Miss L wasn't happy with Capital One's response, so she referred her complaint to this service.

One of our investigators looked at this complaint. But they felt it had been reasonable for Capital One to have the concerns they had, and they felt that the response to the complaint

that Capital One had issued already represented a fair resolution to what had happened. Miss L didn't agree, so the matter was escalated to an ombudsman for a final 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 note that Miss L and Mr A have provided several detailed submissions to this service regarding Miss L's complaint. I'd like to thank Miss L and Mr A for these submissions, and I hope they doesn't consider it a discourtesy that I won't be responding in similar detail here. Instead, I've focussed on what I consider to be the key aspects of this complaint, in line with this service's role as an informal dispute resolution service.

This means that if Miss L and Mr A note that I haven't addressed a specific point that they've raised, it shouldn't be taken from this that I haven't considered that point. I can confirm that I've read and considered all the submissions provided by both Miss L and Mr A and Capital One. Accordingly, I can also confirm that if Miss L and Mr A note that I haven't responded to a specific point, that I have considered that point but don't feel it necessary to address it directly in this letter to arrive at what I consider to be a fair resolution to this complaint.

I won't be upholding this complaint or instructing Capital One to take any further or alternative action here. This is because, upon review, I also feel that it was reasonable for Capital One to have developed concerns that an unauthorised third-party might have attempting to apply for a credit card in Miss L's name, given the discrepancies they noticed about the initial application and given the subsequent events.

For instance, in my opinion, the person who called Capital One in January and February 2025 – and who identified themselves as Miss L on those calls – was not Miss L. This is based on a comparison of those calls with the call that took place in June 2025, when all parties agree that Miss L did speak with Capital One.

Put simply, the person who called in January and February 2025 doesn't sound like Miss L, when compared with her voice on the June 2025 call. This is my opinion, and if I am wrong then I apologise to Miss L. But I feel that the two voices do sound different. And because of this, I feel that it was reasonable for Capital One to have continued to have had concerns and to have maintained the CIFAS markers on her credit file.

Given the context of this complaint, it seems reasonable to hypothesise that it may have been Miss L's husband who, in attempting to support Miss L, made the calls to Capital One on her behalf. Accordingly, it also seems reasonable to hypothesise that while Miss L may have been effectively impersonated, that impersonation may have been undertaken with Miss L's knowledge and consent and with her best interests in mind.

However, from Capital One's perspective, they weren't to know that a potentially nefarious act against Miss L wasn't being attempted. Indeed, given that it seems evident that someone other than Miss L may have been making credit card applications for her and may have been impersonating her on calls, and given Capital One's responsibilities as a credit provider to be vigilant for potential acts of fraud and to protect against identity theft, I don't feel that Capital One had any reasonable alternative other than to act as they did here.

Ultimately, in the absence of it being explained to Capital One that Miss L had a representative assisting her, I feel that they reasonably had to assume that something untoward may have been taking place. And I also feel that much of what happened here could and reasonably should have been avoided by Miss L contacting Capital One directly in

response to the initial application being rejected and authorising Mr A to speak on her behalf.

Miss L and Mr A have asked why Capital One didn't proactively try to call Miss L about this matter. However, because Miss L's applications were declined, she wasn't an account holder with Capital One. As such, I feel that the onus was on Miss L to have contacted Capital One, if she was dissatisfied, rather than the other way round.

Finally, I appreciate that Miss L and Mr A are unhappy with incorrect information provided by Capital One on the telephone during the January and February calls. However, given that I have what I feel is the reasonable opinion that it wasn't Miss L speaking with Capital One on those calls, I don't feel that Capital One need to do anything further in this regard beyond the apology that they have already issued.

All of which means that I won't be upholding this complaint or instructing Capital One to take any form of action. This is because I feel that it was fair and reasonable for Capital One to have held the concerns they did and to have reported CIFAS markers to Miss L's credit file until after June 2025, when they were satisfied that they had spoken with Miss L. I hope that Miss L and Mr A will understand, given what I've explained, why I've made the final decision that I have.

### **My final decision**

My final decision is that I do not uphold this complaint.

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

Paul Cooper  
**Ombudsman**