

## **The complaint**

Mr M has complained American Express Services Europe Limited, trading as American Express, lodged a fraud-related marker on the industry fraud database, CIFAS, in his name.

## **What happened**

Mr M has had a credit relationship with American Express since 1987 and has held a platinum card with them since February 2011. In November 2024 American Express undertook a periodic review of Mr M's card account. They'd identified some usage that they felt was unusual and asked for copies of Mr M's personal bank statements. Mr M provided two months of statements from his two accounts with a bank I'll call H to American Express in December 2024.

American Express noticed the figures in the account summary were incorrect when compared with the credits and debits flowing in and out of Mr M's UK statements with H. At the same time Mr M noticed these discrepancies and notified American Express. Further statements were obtained and verified by H. These confirmed the discrepancies.

American Express told Mr M they were closing his account. They also lodged a fraud-related marker on the CIFAS database confirming they'd received fraudulent information from Mr M.

Mr M realised that this account closure was having a disproportionate impact on him. He knew nothing about CIFAS markers initially, but after discovering what these were, Mr M asked American Express to remove the marker. American Express confirmed they'd not made any error and refused to remove the marker.

Mr M brought his complaint to the ombudsman service with the assistance of a representative.

Our investigator noted the statements had definitely been altered when reviewing the genuine statements. Whilst she noted Mr M argued that this must have been done by malware and he had no reason to alter these himself, she was unconvinced by his testimony. She felt that as fraudulent statements had been provided, American Express had met the standard for lodging a CIFAS marker.

After receiving the view, Mr M has asked an ombudsman to review his complaint. He continued to stress the impact this was having on him and how a marker was disproportionate to what had happened. He also didn't believe evidence showing that he had participated in this fraud was present.

## **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've reached the same outcome as our investigator. I'll explain why.

It is clear what the requirements are prior to lodging a marker. Specifically:

*“There must be reasonable grounds to believe that an identified fraud or financial crime has been committed or attempted.*

*The evidence must be clear, relevant and rigorous.”*

American Express must be able to provide clear evidence that an identified fraud was being committed, and Mr M was involved. This means that they must have more than a suspicion or a concern that Mr M may be involved.

No party to this complaint disputes that fraudulent statements were provided to American Express. What is in dispute is how this occurred.

When Mr M provided these statements, American Express were conducting a review of his account. I think it would be fair to surmise that Mr M felt he needed to provide evidence that showed his financial situation in an advantageous position.

Mr M has argued that he would never have altered the statements. And the fact he notified American Express as soon as he became aware of the discrepancies, shows that he was not involved in any attempt to commit fraud.

Statements cannot really be altered without intent. I've noted what Mr M has told us about these statements being downloaded from his personal device and felt these had been impacted by malware. But I have to wonder why it was only credits from his employer that were altered. I'd also have expected any malware to identify that by changing the value of his employment credits, the account summaries would also need to be updated. Whatever malware Mr M believes existed seems to have been quite partial.

So, I'm satisfied that Mr M knowingly did this and intended to provide false information to American Express.

I don't know why Mr M may have done this. But I do think he subsequently realised that the fraud may be discovered and that would explain why he contacted American Express to notify them of the discrepancies.

Mr M's representative has sent us evidence where Mr M argues his case that American Express's action is unfair and disproportionate.

That isn't the case. When considering whether a CIFAS marker should be loaded, any decision made by a bank or financial institution should be based on evidence. It's not basing that decision on whether it will have an impact on the customer.

In accordance with the rules about lodging a marker, I have no choice but to accept that American Express acted properly. On this basis, I don't believe it would be fair and reasonable to ask American Express to remove the CIFAS marker.

Mr M has raised other issues about what happened. Specifically being charged an annual membership fee by American Express just days before his account was closed. As our investigator has shown, a refund of nearly £630 was made to Mr M practically as soon as the debit was initially made.

If Mr M wishes to pursue a complaint about any delay there may have been in American Express responding to his data subject access request, he will need to raise that with them first.

**My final decision**

For the reasons given, my final decision is not to uphold Mr M's complaint against American Express Services Europe Limited, trading as American Express.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 10 March 2026.

Sandra Quinn  
**Ombudsman**