

## complaint

Mr A complained about Liverpool Victoria Insurance Company Limited placing a marker against him on a fraud database.

## background

Mr A took out car insurance with LV. LV said that Mr A knowingly gave an inaccurate address so as to get a cheaper premium. In October 2017, LV cancelled the policy and reported the incident to the Credit Industry Fraud Avoidance System (CIFAS), a fraud prevention agency that keeps a fraud database. A marker was placed against Mr A saying he gave false information, namely his address, when taking the policy.

Mr A complained saying the address he gave was his correct address. But LV didn't uphold his complaint. Mr A complained to our service. One of our adjudicators looked into the complaint. He felt that LV's actions were reasonable. As Mr A didn't agree with our adjudicator, the complaint has been passed to me to decide.

## my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. I appreciate this will be disappointing for Mr A, but I won't be upholding his complaint. I'll explain why.

In his complaint, Mr A has made a number of detailed points and I've considered all those carefully. But in this decision I will focus on what I consider to be the key issues. My role is to decide if LV have dealt with Mr A in a fair and reasonable way.

Under the policy, Mr A is required to give correct information at all times. The policy says:

*"If you or anyone representing you provides us with misleading or incorrect information to any of the questions asked when applying for, amending or renewing this insurance; deliberately misleads us to obtain cover, gain a cheaper premium or more favourable terms; we may: [] cancel or void your policy..."*

*"Where fraud is identified, we'll also: [] pass details to fraud prevention and law enforcement agencies who may access and use this information".*

LV can record information with CIFAS if they have enough evidence to make a formal complaint to the police or other law enforcement agency. They don't have to actually make a formal complaint, but they must have enough evidence to be able to do so. I expect LV to have carried out thorough checks to do this. LV would have to find dishonesty in the personal information supplied by Mr A or show his behaviour amounted to fraud.

I think LV's decision to report Mr A to CIFAS was reasonable. I think LV cancelled the policy without giving Mr A the seven days notice under the policy. And he feels they didn't give him the opportunity to respond to the allegation. But since cancelling the policy in October 2017, I think Mr A has been given ample opportunity to respond to the allegation and to provide evidence.

The policy address Mr A gave when taking out his policy was some 90 miles from his parents' address where he lived. LV said the evidence suggested he lived at his parents

address. Mr A said the policy address was near the university he was studying at. And while he visited his parents frequently, he lived at the policy address. Mr A gave LV information to prove he didn't live at his parents address. But LV said he failed to prove he lived at the policy address.

When LV challenged Mr A, he initially said he could supply utility bills to prove he lived at the policy address. He also told LV he had negotiated a new tenancy agreement with his landlord for the policy address. But he later changed that to say he didn't have a tenancy agreement because he was "*sub-letting*" and he later changed that to he was living at his girlfriend's address. And while Mr A did provide the first page of one mobile phone bill with his name and the policy address on it from August 2017, he wasn't able to provide any utility bills such as gas, electricity, water or a council tax bill. I note Mr A provided a number of letters addressed to him at the policy address, but LV said that they didn't prove he lived at the address as people often use another address as a correspondence address. Mr A said that he was studying at a university near his policy address, which is why he lived at the policy address. I think Mr A could have provided documentary evidence from his university confirming his attendance, what he was studying and the dates he was there. But he didn't do that. He did provide a one page document showing term dates, but that was generic and not specific to Mr A.

#### **my final decision**

For the reasons set out above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 30 April 2019.

Mehmet Osman  
**ombudsman**