

## **complaint**

Mr S complains that American Express Services Europe Limited suspended and later closed his accounts, gave no reasons for doing so, and was rude to him on the phone.

## **background**

Mr S had a credit card and a charge card with American Express. In late 2017 both accounts were suspended while they were being reviewed. American Express asked him to provide information about his finances, which he objected to because he had already provided such information earlier that year. He says he still provided the requested information, but his accounts were both closed anyway. He says no reason, or at least no adequate reason, was provided for this decision. He also complains that, prior to the closures, one of American Express's call handlers was rude to him on the phone and was unhelpful.

American Express did not agree that it had done anything wrong. It did not accept that its call handler had been rude or unprofessional. It said it had reviewed the accounts as a result of information which a third party (which it had earlier told Mr S was CIFAS) had recorded on his credit file. But it was unable to tell him any more than that, and it could not tell him the reason for its decision "due to the complexity of the statistical analysis." Being dissatisfied with that response, Mr S complained to our Service.

Our adjudicator did not uphold this complaint. He said that the terms and conditions for each account allowed American Express to close the accounts, and it was for a lender to decide with whom it wanted to do business. He suggested that if Mr S wanted to know more about the information that had been provided by CIFAS, he could make a subject access request to them. If that information was not accurate, then he could take that up with CIFAS, but American Express had been entitled to act as it had. And after listening to the call recordings, he decided that the call handler had not been rude.

Mr S insisted that the call handler's tone had been petulant, offhand and rude. He asked for an ombudsman to review this complaint.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint. I do not uphold it, for broadly the same reasons as the adjudicator. I will explain why.

I have read the terms and conditions of both accounts, and they each say that American Express can immediately suspend or close the accounts. They list some reasons why this may happen, as follows:

"We may do any of these things for security reasons, in the event you default, if we suspect unauthorised, improper and/or fraudulent use, or because there is a significantly increased risk that you will not be able to make payments due on your Account on time (for example, if you die or are made bankrupt). We will normally notify you beforehand or immediately afterwards and *may* provide you with the reasons." (Emphasis added.)

I take the word "may" to mean that they do not have to give reasons, and that they may choose not to. So I don't think I can say that American Express had to tell Mr S more than it did. It did go so far as to tell him that it had decided to review his account as a result of what

it had seen on his credit file, and that the relevant information had been provided by CIFAS. I haven't seen his credit file myself, so I don't know what it shows, which is why our adjudicator suggested that Mr S may wish to approach CIFAS himself. However, I do not think that American Express was obliged to tell Mr S more than that, either at the time or now.

This may explain why the call handler Mr S has complained about was not able to tell him more than he did. I can see why Mr S thought that this was unhelpful, but I note that when Mr S spoke to the call handler's manager the next day, the manager (having more authority) was able to tell him a little bit more about what had happened. It's likely that the original person Mr S spoke to was under general instructions not to disclose anything. However, I have listened to all three call recordings (although only two are relevant), and I do not agree that the call handler was rude or petulant.

### **my final decision**

So my decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr S to accept or reject my decision before 21 June 2018.

Richard Wood  
**ombudsman**