

complaint

Mr L's complained that NatWest Stockbrokers Ltd ("NWS") unfairly registered details about him with CIFAS. This was after he attempted to open an account with NWS in 2012. To settle his complaint, he would like the CIFAS entry removed.

background

- In 2005 Mr L was successful in opening an account with NWS. However, after this account went unused for 30 days, it was closed.
- In 2011 Mr L applied to open another account with NWS. This application was declined as the address details did not match those provided by Mr L in 2005. Mr L did not pursue this further.
- In 2012 Mr L applied to open another account with NWS. This application was also declined as the address details provided did not match those provided by Mr L in 2011 or 2005. It was then that NWS registered Mr L's details with CIFAS.
- On being declined the above account Mr L contacted NWS. NWS explained the reason for the account being declined. Mr L explained that the address he'd used on his 2011 application was his parents. As a result, NWS agreed to consider a further application from Mr L. Mr L then reapplied for an account.
- On receipt of Mr L's further application NWS sent him a letter asking him to verify his identity. However NWS did not receive a response to this letter. Therefore the application was not progressed. Mr L has said he did not receive this letter.
- Mr L complained to NWS (and CIFAS) after he was declined a bank account with another business.

Our adjudicator didn't think Mr L's complaint should be upheld. In summary she said:

- NWS has a duty to register details with CIFAS in certain circumstances. This is for the purpose of fraud prevention.
- As there were inconsistencies in the address details provided by Mr L, NWS did nothing wrong in registering Mr L's details with CIFAS. It's also done nothing wrong in refusing to remove the entry, a decision supported by CIFAS.
- More likely than not NWS sent Mr L a letter asking him to verify his identity in August 2014. NWS can't reasonably be held liable for Mr L not receiving it.
- It was Mr L's responsibility to ensure the information he had provided was accurate.
- Another business' decision to decline Mr L a bank account was something that she was unable to comment on.

Mr L didn't agree with the adjudicator's assessment. Briefly he said:

- He does not dispute that he declared inaccurate address information on his various applications. But these were simply mistakes on his part. Mistakes he's now being unfairly penalised for.
- He has not committed any criminal offence. But that is not how his CIFAS record will be viewed by people accessing it.

my findings

I have considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

I agree with the adjudicator and so I've decided not to uphold Mr L's complaint. There's also not a great deal I can add to what's already been said.

Mr L doesn't dispute he declared inaccurate address information on his various applications. Therefore despite Mr L saying these were simply mistakes, I don't think NWS did anything wrong in registering this fact with CIFAS. In fact it had a duty to do so. Furthermore, it is an applicant's responsibility to ensure that details provided are accurate.

I also don't think NWS should now have to remove the entry. After all, it remains an accurate reflection of what happened.

Mr L says he did not receive NWS' letter requesting further proof of his identity in August 2012. But having looked at NWS' records I think that this letter was sent and it would be unfair to hold NWS responsible for its non-receipt. But in any event, Mr L was not prevented from contacting NWS himself to see how his second 2012 application was progressing had he wanted to. However, it doesn't appear he did.

I empathise with Mr L given he feels the CIFAS entry is damaging. However, I'm satisfied that NWS has not done anything wrong in this case. However, I would remind Mr L that a CIFAS entry is only a warning to other CIFAS members to take extra precautions. It does not mean, as Mr L appears to believe, that the named person is a fraudster.

my final decision

My final decision is that I don't uphold this complaint.

Peter Cook
ombudsman