

## **complaint**

Mrs B complains AIB Group (UK) Plc treated her unreasonably when she tried to set up power of attorney for her account.

For this complaint Mrs B is represented by four of her children. For ease of understanding I will refer, unless I state otherwise, to the representatives actions as being her own.

## **background**

Mrs B granted enduring power of attorney to four of her children. She applied for them to be able to manage her account with AIB. As part of the process of setting this up it asked the attorneys to consent to a Cifas search. They all refused to give it. Because of that AIB didn't put the power of attorney into effect for Mrs B's account.

Mrs B feels AIB acted unreasonably. It says it needs the consent to fulfil legal and regulatory requirements. Mrs B doesn't accept this. She feels AIB may be in breach of data protection rules.

Our investigator didn't think AIB had acted unfairly or unreasonably by requesting consent to conduct a Cifas search. Mrs B didn't accept her assessment. So the complaint has come to me for a final decision.

Mrs B's raised concern at how AIB responded when she told it some transactions on her account may not have been authorised by her. That issue is being looked at in a different complaint, so isn't considered in this final decision.

## **my findings**

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 think AIB's acted fair and reasonably. So I'm not making it do anything differently.

AIB says it needs consent to a Cifas search to comply with immigration law. It's referred to rules that require it to make checks against a list of 'disqualified persons'. It says the rules require it to do this when opening a new account or adding a new signatory to an existing account. It says the way it meets this requirement is via a third party firm's search that includes a check against the Cifas database.

Mrs B says the relevant law and regulatory guidance only refer to opening an account. She says they don't refer to an attorney. But she hasn't shown enough to make me think AIB acted unreasonably. The relevant immigration law defines 'opening an account' to include adding a signatory to an existing account. So it seems reasonable to me that AIB feels it needs to check if attorneys, added as signatories to an account, are disqualified persons.

Mrs B says the consent requested was a third party firm search that she feels extends well beyond a Cifas check. But AIB has said it doesn't undertake searches about an attorney's financial circumstances. I've no reason to doubt what it says.

So I've considered what Mrs B's said, the relevant law and guidance and the information provided by AIB. Having done so, I can't say that AIB acted unfairly or unreasonably by requiring the attorneys to consent to a Cifas search.

Mrs B says an AIB employee couldn't explain why consent for a Cifas search was required. And that the employee said it wasn't a legal requirement. AIB denies this was said. But even if it was I can't see it would have made a significant difference. The necessity for consent was confirmed fairly soon after.

Mrs B feels AIB may have breached data protection rules. It isn't this services' role to decide if a business has done that. That's something for the Information Commissioner's Office (ICO) to decide. But we can consider if it's fair and reasonable for a business to compensate or take other action to recognise the impact of such a breach. In any event AIB hasn't, as far as I'm aware, disclosed any personal information that it shouldn't have.

### **my final decision**

For the reasons given, I'm not making AIB Group (UK) Plc do anything differently.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs B to accept or reject my decision before 30 June 2019.

Daniel Martin  
**ombudsman**