

complaint

Mr D complains that Santander UK Plc allowed someone else to open an account in his name in 2009 and borrow money and so he shouldn't be responsible for this.

background

Mr D was contacted by debt collectors in 2018 about a debt that originated from an overdraft taken in his name in 2009 with Santander. He said he had never had an account with Santander and that the address used in the application hadn't been the family home since 1995. Mr D maintained he had been the victim of identify theft.

Santander didn't agree and said that a passport document had been given as evidence of his identity when the account was opened. It provided a copy of this and the application form. And it said that the pattern of payments and repayments to the account was inconsistent with his identity having being stolen.

Our investigator didn't recommend that the complaint be upheld. Mr D told him he had lost the passport used and had a new one but hadn't provided any evidence of this. And as the application for the account was made in person he expected the member of staff would have considered the passport picture to be a true likeness of him.

Mr D didn't agree and wanted his complaint to be reviewed. He said he would never have opened an account using what was his mother's previous address. And that he had never had an account with Santander but had one with a different bank.

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 won't be able to say *exactly* what happened here and I'll need to think about what is *most likely*.

Mr D clearly has strong feelings about what he says happened but he's not been able to provide evidence to support that. He accepts the address used for the application was at one time the family home. And as set out above, there was positive identification taken of him at the time suggesting that normal checks were made to confirm who was opening the account.

I've also looked at the history of the way the account was operated based on Santander's case notes. An unauthorised overdraft was created in July 2009 and by the time the account was transferred to recoveries in March 2010 the balance was just over £140 in debit. There is record of contact with the person Santander believed to be Mr D about setting up a payment plan during that period. And a number of small repayments were made as part of a payment plan. Santander also has a record of a concern being raised in branch in October 2009 about the bank charges on the account by a person it thought to be Mr D.

I find it unlikely that this pattern of payments and the account history relates to the actions of a fraudster. And I'm satisfied on balance based on the available evidence that Mr D most likely opened the account despite what he says about the address details being wrong.

I know he's going to be very upset when I say I don't have a basis to uphold his complaint. Santander sold the debt to a third party so Mr D would need to deal with that third party if he now wants to discuss his financial position.

my final decision

My decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 11 March 2020.

Michael Crewe
ombudsman