

Mr D complains that National Westminster Bank Plc ('NatWest') won't remove a Credit Industry Fraud Avoidance System ('CIFAS') entry it registered against him after a mortgage application he made to it was turned down.

background

Mr D applied for a mortgage with NatWest earlier this year. NatWest rejected the application, after finding what it considered was conflicting information about Mr D's earnings. It also placed the CIFAS marker. Our investigator thought NatWest's action was reasonable. Mr D says he's done nothing wrong.

The case comes to me to review and decide what's fair.

my findings

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

NatWest made its submission in confidence. Our rules permit this; it's then for me to decide whether it's fair to rely on evidence that only one party has seen. It's not a one-sided rule; either party to a complaint can submit evidence in confidence if they wish to, and we'll then decide if it's fair to rely on it.

Here, the information (and its source) is sensitive and on balance I don't believe it should be disclosed. But it's also clearly material to the issue of whether NatWest has treated Mr D fairly. So I'm persuaded I should take it into account when deciding the outcome of the complaint.

I've looked very hard at everything that Mr D and Nat West have said and provided. Overall, I'm not persuaded NatWest acted unfairly when it applied the marker, and I don't find that it should remove it.

I understand Mr D has said he'll consider taking legal action against NatWest. That's his choice, although he may wish to get advice on doing so first. All I'd add is that subject to any time limits or other restrictions a court might impose, Mr D's capacity to take legal action against NatWest won't have been prejudiced by our consideration of his complaint.

my final decision

I don't uphold this complaint. I make no order or award. My final decision concludes this service's consideration of this complaint, which means I'll not be engaging in any further discussion of the merits of it.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 5 August 2018.

Jeff Parrington
ombudsman