

complaint

Mr G complains that NewDay Ltd placed a CIFAS marker against his name.

background

In May 2017 NewDay wrote to Mr G to say it was removing the use of his credit card facility due to a risk review of his account. It said he should continue to make at least the minimum monthly payment until such time the balance is cleared.

Mr G complained to NewDay and it rejected his complaint. It said due to the payment activity on the account its fraud department had concerns the facility was being misused, so it had decided to withdraw the facility and place a CIFAS marker against Mr G's name.

Our adjudicator recommended that Mr G's complaint should be upheld. She thought NewDay hadn't met the threshold needed under the CIFAS guidance to place the marker, so said it should be removed. Mr G accepted this. But NewDay disagreed. It asked for this complaint to be reviewed.

my findings

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

To record information with CIFAS, NewDay needed to have enough evidence to make a formal complaint to the police or other relevant law enforcement agencies. CIFAS's guidance says that the business must have carried out checks of sufficient depth to satisfy this standard of proof, and any filing should be for confirmed cases of fraud, rather than just having a suspicion. Having reviewed everything, I agree with the adjudicator that NewDay hasn't provided evidence to a sufficient standard to justify recording the CIFAS marker, so this record should be withdrawn.

my final decision

My final decision is that NewDay Ltd should remove the CIFAS marker it put against Mr G's name. Under the rules of the Financial Ombudsman Service, I'm required to ask Mr G to accept or reject my decision before 13 August 2018.

Julia Chapman
ombudsman