

The complaint

Mr H complains that Curve UK Limited blocked his account. He says he has been asked to provide information unfairly. He says Curve UK Limited are discriminating against him. He would like his account unblocked an apology and compensation.

What happened

Mr H has an account with Curve.

Curve carried out a review and asked Mr H for information to verify his identity and carry out Know your customer review. They sent an email to Mr H's email address on 17 May 2022. They didn't receive a reply from Mr H, so they blocked his account on 6 June 2022. Mr H told us he doesn't use that email address frequently, so he missed the email. He noticed his account had stopped working on 27 July 2022. Curve told Mr H they had sent him an email on 17 May requesting he upload documents as these weren't uploaded the card was blocked.

Mr H has told us he is concerned about the security of his documents and doesn't want to upload his personal documents.

Mr H complained to Curve. As he was unhappy with their response he complained to our service.

One of our investigators looked into the complaint. She thought Curve hadn't done anything wrong when they sent the request for information to Mr H's email address as it was an address that both parties had agreed on for correspondence. She said Curve were entitled to ask for the information they had asked for in order to comply with their legal and regulatory obligations. The investigator looked and thought Curve hadn't treated Mr H unfairly because of his race and they hadn't discriminated against him because of asking for this information. She confirmed that Curve could ask Mr H for the documents they needed, and it was their process to require Mr H to upload the documents. She explained as a service we couldn't interfere with Curve's internal process.

Mr H was unhappy with the view. He said he thought Curve could ask for information but the reason he had been asked for information was unfair and unjustified. He said he still thought he had been discriminated against and he thought our service was biased because we hadn't agreed there was discrimination. He said he wasn't happy to upload personal documents. He said there was nothing in the terms that suggested the documents needed to be provided through their app. He was concerned with security and wanted us or Curve to guarantee the security of his documents and that they wouldn't be stolen or misused. Mr H thought Curve could contact his bank and check the information with them. He also thought Curve should be able to verify his documents at their London office.

The investigator replied and said she didn't think Curve had discriminated against Mr H. She thought the terms and conditions allowed Curve to ask for the documents and their process was to require the documents to be uploaded electronic. She said our service couldn't interfere with that process. She said it wasn't our role to guarantee the security of his

documents. She thought that in asking for the information Curve were complying with their legal and regulatory obligations.

As there was no agreement the matter has come to me to decide.

What I've decided – and why

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

I'll start by setting out some context for the review of Mr H's account. UK legislation places extensive obligations on regulated financial businesses. Financial institutions must establish the purpose and intended nature of transactions as well as the origin of funds, and there may be penalties if they don't. This applies to both new and existing relationships. These obligations override all other obligations. I am satisfied Curve were complying with these obligations when they reviewed Mr H's account and requested the information from him.

Curve have said that they require Mr H to provide this information in order to comply with their legal and regulatory obligations.

I've looked at the terms and conditions of the account and I'm satisfied that Curve can ask for the information and can block an account if this information isn't provided. So, I'm satisfied that Curve are entitled to ask for this information and block the account if it isn't provided.

Mr H has said that he doesn't want to upload his documents because he is concerned about security. I appreciate Mr H's concerns here., however this service can't demand that Curve change their processes because Mr H has security concerns.

I know Mr H thinks that Curve could just contact his bank to verify his identity, or they could allow him to bring his documents into Curve's London office. But again, Curve are entitled to decide how they run their business and they have decided to require their customers to upload documents onto the app. This service can't say that Curve should change its business model, so I don't think Curve have acted unfairly in requiring Mr H to upload his documents to the app.

Mr H has mentioned that the reason why he is being asked to provide these documents is discriminatory and he has been singled out for unfair and unjustified treatment.

While I appreciate this is his perspective, it is not my role to decide whether discrimination has taken place as a matter of law – only the courts have the power to decide this. However, I can make a finding on whether Curve has treated Mr H unfairly. To do that, I'd need to decide if other customers with similar circumstances, would be treated the same way.

While I can't make a finding on discrimination, I have considered the relevant law in relation to what Mr H has said when deciding what I think is the fair and reasonable outcome. Part of this has meant considering the provisions of The Equality Act 2010. But after doing so I've not seen evidence to indicate Curve's behaviour towards Mr H was improper or unfair.

Mr H has suggested our service is biased because we haven't found that there was discrimination in the way Mr H was treated and that we have sided with Curve. I've already said that I haven't found any evidence that Mr H has been treated unfairly because of his race nor was he treated unfairly in being asked to provide the documents that have been requested by Curve.

Whilst I do recognise his concern, as an ombudsman service our approach is to consider what both parties say and then reach our own independent conclusions on that evidence. That is what the investigator has done in this complaint and that is what I am doing now. If Mr H does not agree with my decision, he does not have to accept it. If he does not accept this final decision, he will be free to continue to pursue his concerns by other means should he wish to do so. I cannot, however, advise him on how to go about doing that.

Because I am satisfied that Curve are entitled to ask for the information they need to comply with their legal and regulatory obligations I will not be directing them to unblock Mr H's account. I don't think they have acted unfairly in the way they have treated Mr H, so I won't be awarding compensation.

I accept that Curve agreed with Mr H that they could have provided a better service and there were some delays in replying to his chat messages. However, I don't think this affected the block on the account as Mr H said he wouldn't be providing the information that was needed as he was unhappy with uploading documents on the app.

My final decision

For the reasons stated above I do not uphold the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 3 January 2024.

Esperanza Fuentes
Ombudsman