

## The complaint

Mr A complains that Santander UK Plc incorrectly and unfairly recorded a Cifas fraud marker against him.

## What happened

In 2022, Mr A said he found out that Santander had placed a fraud marker with Cifas against him. He considers it has been recorded in error and he wants it removed. Mr A said he's been unable to get a job in the finance sector because of the Cifas marker.

Santander said it had received a mortgage application from Mr A in November 2019, but it had some concerns about some of the information recorded and submitted on the application. It declined the application and placed a Cifas marker against Mr A. It said it reviewed what it did and was satisfied with the action it had taken.

I issued a provisional decision saying that – subject to any further submissions – I did not propose to uphold the complaint. My provisional findings were, which form part of this decision, were:

*Recording a Cifas marker against someone is a serious step by a financial business. A marker should only be recorded if there are reasonable grounds to believe a fraud or financial crime has been committed or attempted and the evidence must be clear, relevant and rigorous.*

*The standard is not, however, that fraud has been proved. Rather, it is that there is reasonable suspicion that fraud has been committed or attempted. In considering this complaint, I am deciding whether it was fair for Santander to decide the threshold to record a Cifas marker has been met.*

*Santander recorded a category 4 Cifas marker against Mr A – that relates to applications with material falsehoods or false supporting documentation where the name given has not been identified as false. Santander is saying that Mr A applied for a mortgage and that it was unable to confirm the information he gave about his employment and income.*

*I accept that Santander had good reasons for considering the employment details and income on the application contained material falsehoods and were supported by false documentation.*

*That leaves whether it was reasonable for Santander to record the Cifas marker against Mr A. It could only do that if it had reasonable grounds to believe that Mr A submitted or colluded in submitting the application and gave false information about his employment – rather than Mr A being the innocent victim of identity fraud as he claims.*

*The application includes Mr A's correct name, date of birth, address and national insurance number. A copy of Mr A's driving licence was provided as proof of identity. The application also said that Mr A was employed in two jobs. One was the job that Santander legitimately had concerns about – the other was the job that Mr A was actually employed in at the time in*

*question. Santander has provided evidence that it sent correspondence to Mr A's address. The property being purchased was on the same street where Mr A lived.*

*Mr A said that he lost his wallet in or around 2018 and that contained his driving licence. He has provided evidence that he got a replacement in May 2020. He initially told us that he needed the licence to renew his car insurance. We asked Mr A for evidence of that and he gave us a copy of an insurance policy in his mother's name that pre-dated the date on Mr A's new licence. He said that this was when he became aware that he no longer had his driving licence and that his mother had to arrange the policy while he obtained a new licence.*

*Mr A said he could not understand how someone could have known his national insurance number. He said that he'd applied for a number of jobs and it was included in the application – and it could have been taken from one of those applications.*

*For me to be able to uphold this complaint, there would need to be a plausible explanation how a third party was able to obtain all of Mr A's personal information, a copy of his driving licence and be able to intercept post to his home address – or evidence to support that Mr A was not involved in the application.*

*I can see how someone else could have had Mr A's driving licence if he lost his wallet. That would also explain how some (but not all) of Mr A's personal information was obtained. But it is not clear why they would wait until late 2019 to pursue an application, bearing in mind Mr A told us he lost his wallet containing his driving licence in around 2018. That person would then need to have found out Mr A's national insurance number, where he worked (bearing in mind he did not start his genuine employment until October 2019) and have been confident they could intercept his post (as the mortgage paperwork was all sent to Mr A's address).*

*That seems to me to be an unlikely set of circumstances and Mr A has not put forward any reasonable explanation how that could have happened – or any persuasive evidence to support his account.*

*I don't consider that Mr A's age or circumstances at the time in question would necessarily prevent a mortgage lender considering or approving a mortgage application from him. So it doesn't follow that Santander was wrong to consider the application.*

*Based on the evidence we have, I consider it was reasonable for Santander to find that it was Mr A who made or was involved in the application. It follows, that it was reasonable for it to record the Cifas warning against Mr A.*

Neither Mr A or Santander responded to my provisional decision.

### **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.

In the absence of any new evidence or arguments, I see no reason to depart from the findings I reached in my provisional decision. On the evidence and circumstances it was reasonable for Santander to consider that the threshold to record a Cifas marker against Mr A had been met.

### **My final decision**

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 11 October 2023.

Ken Rose  
**Ombudsman**