

## **The complaint**

Mrs M complains about Lloyds Bank PLC continuing to send her Foreign Account Tax Compliance Act correspondence.

## **What happened**

Mrs M was born overseas in Country A and was only a resident for a few weeks after her birth.

Due to Foreign Account Tax Compliance Act ("FATCA") and Common Reporting Standard ("CRS") regulations, Lloyds sent Mrs M mailings in relation to her tax status in Country A.

Mrs M completed the paperwork with all her details and is distressed as Lloyds continue to send her FATCA correspondence. Mrs M has requested that Lloyds stop sending her correspondence such as tax residency self-certification forms.

Lloyds say they liaised with the tax office and were informed that communications needed to continue until all the information required by Country A is received. Mrs M says she doesn't have the required information and she feels she is being treated unfairly by Lloyds.

Lloyds provided Mrs M with contact information to help her resolve the issue, however Mrs M remains dissatisfied and complained to our service.

Our investigator didn't think that Lloyds had done anything wrong, so this complaint has been referred to me to look at.

## **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.

Having done so, I'm not upholding this complaint and I'll explain why.

I should first explain that although I can fully understand Mrs M's upset and frustration here, having only lived in country A for a few weeks, I can't tell a business to make alterations to their policies, procedures or processes. I say this because we aren't the regulator of the financial services industry.

Furthermore, even in cases where a customer feels their circumstances are unique and requests shouldn't apply to them, Lloyds still have a responsibility to ask questions and pass on information as they have obligations and must comply with legislation such as the CRS.

I can also understand Mrs M's added frustration as, although she is a Country A national, she just doesn't have the required Tax Identification Number (TIN) or Nationality Certificate. Mrs M is a Country A national and applying for a TIN appears difficult. However, as

mentioned above, I'm satisfied Lloyds communications and tax office liaison are necessary because they have responsibilities and are complying with legislation.

I also found that Lloyds have recognised Mrs M's frustration and difficulty in satisfying tax office queries, providing her with FATCA and CRS information, a frequently asked questions document and the Country A tax office website so she can apply for a TIN.

They also recognised that they had added to Mrs M's frustrations, by sending additional letters, when they indicated reporting details were up to date, when this was not the case and offered her £75.00 compensation.

So, having considered all the above, I sympathise with Mrs M's situation here, however I can't see that Lloyds' actions have been either unfair or unreasonable and I'm not upholding this complaint.

### **My final decision**

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs M to accept or reject my decision before 25 December 2023.

Paul Douglas  
**Ombudsman**