

## **The complaint**

Mr H complained about the service he received from Financial Administration Service Limited (trading as Fidelity). He said he was made to verify his identity when he didn't need to and been accused of committing identity fraud. Mr H said he should be compensated for this.

## **What happened**

Mr H said he had received correspondence from Fidelity asking him to verify his identity. He said Fidelity harassed him to do this when he didn't need to. He said he believed it accused him of identity fraud.

Mr H said he then provided a driving license and was told by Fidelity that he would receive a response within one working day, but this didn't happen. He believed Fidelity had committed a hate crime and was discriminating against him because of his disabilities, according to the Equality Act 2010. He said it took too long for Fidelity to answer his call and he was unable to use his account for six months until he provided his license, and this was partly why he lost his job. Mr H complained to Fidelity about this.

Fidelity replied and said it needed to verify Mr H's identity because it didn't hold any identity documents on file for Mr H. It didn't think it had done anything wrong in asking for this. Mr H wasn't happy with Fidelity's response and made a complaint to our service.

An investigator looked into Mr H's complaint. He concluded after reading the letters sent by Fidelity, that it had done nothing wrong and there was no evidence to suggest it had harassed Mr H or accused him of identity fraud. He said Fidelity were obligated to confirm the identity of its customers under regulations and the terms and conditions of the product it was providing. He said Mr H could've had access to his account at any time if he had provided the identification documents required. He didn't uphold Mr H's complaint.

Mr H didn't agree. He said all letters sent by Fidelity need to be looked at in detail as he believes it has stated he couldn't trade for a period or it has at least threatened that, until he spent time and stress providing new identification documents. He added there should be no requirement for disabled people to provide photo ID. He reiterated that Fidelity had violated the Equality Act 2010. Mr H asked for an ombudsman review and so his complaint comes to me for a final 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.

I do not uphold Mr H's complaint. These are my findings that explain why:

- Fidelity sent a letter to Mr H in January 2022 to Mr H, where it asked him to verify his identity. It asked him to send documentation to do this. It didn't receive a response to its request and sent a reminder letter in September 2022, where it explained it would place a hold on Mr H's account if he didn't verify his account.
- Mr H says Fidelity harassed him into making him verify his identity when he feels he didn't need to. He has recently added that I should look at all the letters sent by Fidelity in detail, as he believes they have stated he couldn't trade on his account for a period, or at least given the threat that he wouldn't be able to, until he spent the time and stress doing what it asked.
- I have looked at the letters sent by Fidelity to Mr H where it has asked him to verify his identity. In doing so, I don't agree that it has harassed Mr H or accused him of identity fraud. Fidelity has been clear in the letters sent to Mr H in January 2022 and again in September 2022 why it was writing to him, what it needed and by when. Having looked through what it sent to Mr H, I don't think it was excessive in how it communicated what it needed or what it said.
- Fidelity was looking to verify Mr H's identity. It has explained this is because it didn't hold any documents on its system for him and it was looking to put this right so Mr H would be able to access his account without any problems going forward. It is mentioned in detail within the terms and conditions of Mr H's account that Fidelity would need to ensure verification, the reasons why and how it would do this. So, I can see that this is what Fidelity was trying to achieve here.
- Mr H has complained that his account was restricted, and he has recently said he believes Fidelity said his account was restricted or threatened to do this. Fidelity has a responsibility to Mr H to protect his account. This would include it placing restrictions when it hasn't got the necessary verification it requires, as was the case here. This is something Mr H was able to do something about, by providing the documentation required at any stage from Fidelity's first letter sent in January 2022 onwards.
- Mr H has said recently that there should be no requirement for disabled people to provide photo ID as this violates the Equality Act 2010. I can see that Fidelity has said it would accept alternative forms of identification and that Mr H would have needed to contact them if he had any issues with providing the documentation that he asked for. I can see that it has looked to verify Mr H's account using a standard approach and would have been prepared to accept alternative forms of identification if it had been notified of any issues. So after reading this, I don't think it has acted unfairly to Mr H here.
- Finally, Mr H has mentioned on a number of occasions that Fidelity has breached the Equality Act 2010. I have considered the Equality Act 2010 when deciding Mr H's complaint. As an ombudsman, I do consider relevant law alongside regulations and good practice. But I am deciding overall what is fair and reasonable here in the individual circumstances of Mr H's complaint. If Mr H thinks Fidelity has breached the Equality Act 2010 then this is a matter he would need to take to court.

Looked at overall, I don't think Fidelity did anything wrong when it contacted Mr H to validate his identity and so I don't uphold Mr H's complaint.

**My final decision**

I do not uphold Mr H's complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 4 August 2023.

Mark Richardson  
**Ombudsman**