

## The complaint

A company, which I'll refer to as D, complains that Probitas Fidelis Limited has denied the company access to its online platform and has therefore prevented it from obtaining its statements.

## What happened

In 2018, D entered an agreement with Probitas Fidelis for the provision of payment services. But from December 2019 onwards, D hasn't been able to access the online platform on which it should have been able to see details of its transactions, balance and statements.

The Financial Ombudsman Service repeatedly asked Probitas Fidelis for its response to the complaint and for other information, but received no reply. In the circumstances, our investigator accepted D's version of events. He recommended that Probitas Fidelis should be required to provide D with all of its statements for the period since the beginning of their agreement, and should pay £100 to D for the inconvenience caused.

## 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.

Despite further requests, we've still received no information or response from Probitas Fidelis.

Under our rules (the DISP rules in the Financial Conduct Authority Handbook), an ombudsman may in these circumstances determine the case on the basis of what information is available. The rules are as follows:

**DISP 3.5.9R** *The Ombudsman may:*

*(3) reach a decision on the basis of what has been supplied and take account of the failure by a party to provide information requested;*

**DISP 3.5.14R** *If a respondent fails to comply with a time limit, the Ombudsman may:*

*(1) proceed with consideration of the complaint;*

I've therefore considered the available information about the complaint, including D's submissions. Having done that, and noting that Probitas Fidelis hasn't taken the opportunity to respond to the complaint, I'm satisfied that D hasn't been able to access its statements and other information because of unfair acts or omissions by Probitas Fidelis. I accept that D needs the information for a number of important reasons, and that the company has been inconvenienced by not having access to it.

I note that Probitas Fidelis is no longer authorised to provide payment services, according to

the UK Financial Services Register.

### **Putting things right**

For the above reasons, I agree with the investigator's conclusions. Probitas Fidelis Limited should provide D with all its statements and should pay £100 for the inconvenience caused.

### **My final decision**

My final decision is that I uphold this complaint. I require Probitas Fidelis Limited to provide D with all its statements for the period from the beginning of their agreement in 2018 to date, and to pay £100 to D for the inconvenience caused.

Under the rules of the Financial Ombudsman Service, I'm required to ask D to accept or reject my decision before 28 December 2023.

Colin Brown  
**Ombudsman**