

complaint

Ms N complains that TD Direct Investing (Europe) Limited (TD) put a block on her account. As a result Ms N has been unable to trade. Ms N wants TD to compensate her for this.

background

In late March 2015 TD received a call about Ms N's account. The caller did not correctly answer the security questions TD asked. As the call was not about specific issues on Ms N's account, the agent dealt with the call. But after reviewing previous call records, the agent suspected the caller was not Ms N.

TD wrote to Ms N on 23 March to say there had been an unauthorised attempt to access her account. It asked her to provide it with proof of her identity and current address. It explained that it had put a block on her account to prevent any unauthorised access. It said it would remove the block once it had been able to verify Ms N's identity.

TD received more calls about Ms N's account. The first call was rejected because the caller did not answer the security questions correctly. In the second call the agent got the account number wrong and so the call could not proceed. But in the third call the agent was satisfied the caller was Ms N. The agent explained that Ms N would need to provide proof of her identity and current address before the block could be taken off her account. In this call Ms N said that she had not given details of her account to anyone else.

Ms N complained to TD as she felt it had acted unreasonably. She said it had confirmed her identity when she opened her account and she did not want to provide this information again.

TD did not uphold Ms N's complaint. It said it was concerned that someone other than Ms N had tried to access her account. It said it would remove the block on Ms N's account when she provided the information it had asked for to verify her identity.

Ms N remained unhappy with TD's response and brought her complaint to this service.

Our adjudicator did not recommend that Ms N's complaint should be upheld. She said she felt TD had acted reasonably when it asked Ms N to provide it with proof of her identity. She said she had listened to the phone calls, and it was evident that a third party had called and quoted Ms N's details. As this was the case, the adjudicator said TD had acted responsibly in blocking the account as it had been compromised.

Ms N did not accept the adjudicator's view. She said TD had deliberately stopped her from trading at the end of the financial year. She said she wanted TD to compensate her for the loss she feels this caused her. She said that a third party "*...had power of attorney as this was set up at the beginning of my account existence.*"

Ms N also said she felt she had been discriminated against by TD.

my findings

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 have reached the same view as our adjudicator, and for much the same reasons.

I have listened to the phone calls between Ms N and TD and between TD and the third party who tried to access Ms N's account. When Ms N spoke to TD she said that she had not given details of her account to anyone else. The agent explained that the call was being recorded and double checked that Ms N was confirming she had not given her account information to anyone else. Ms N did not make any reference to a third party having her permission to access her account during this call.

TD has said that it has no record of a third party having authority over her account. Likewise I have not seen anything that shows, or suggests, that TD was aware Ms N had given a third party permission to access her account. As this is the case I can't agree that there is anything that would support Ms N's claim that a third party "*...had power of attorney as this was set up at the beginning of my account existence.*"

Having carefully listened to the calls I am satisfied that a third party did try to access Ms N's account. I think TD acted correctly when it put a block on the account as it had no record of a third party having permission to access it.

I note Ms N says she feels she was discriminated against by TD. I don't agree that this was the case. I think its agents were polite and professional in the calls I have listened to. And I am satisfied it acted correctly when it put a block on her account as it believed an unauthorised attempt had been made to access it. I don't agree that this was discriminatory.

I also don't agree that TD acted unfairly when it asked Ms N to provide proof of her identity, before it would remove the block on her account. It was Ms N's decision not to provide this information promptly. As this is the case I don't agree that TD should compensate Ms N for not being able to access her account.

I note that Ms N says she has now provided the information TD requested to verify her identity.

my final decision

Under the rules of the Financial Ombudsman Service, I am required to ask Ms N to accept or reject my decision before 13 November 2015.

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

Suzannah Stuart
ombudsman