

## The complaint

Mr A complains that National Westminster Bank Plc (Natwest) recorded a CIFAS marker against his name. CIFAS is the UK's fraud prevention agency. He is also unhappy that Natwest closed his account.

## What happened

In October 2015 Mr A opened an account with Natwest. A week later the account was credited with two payments totalling £1,030; that money was withdrawn the same day with at least part of it being via a cash machine (ATM).

The payments into the account were later identified as fraudulent – meaning the holder(s) of the account(s) from which they were made hadn't authorised them. This was reported to Natwest by the other bank on behalf of their customer(s) the same day.

Natwest closed Mr A's account and placed a CIFAS marker against Mr A's name. Mr A complained, he didn't think it was fair that there was a marker against his name nor that his account had been closed. When he referred the complaint to this service, one of our investigators looked at it but thought that Natwest had acted fairly. Mr A didn't agree and asked that an ombudsman review the complaint.

## 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'm satisfied that another bank reported to Natwest that the credits made into Mr A's account were as a result of fraud and I think it's reasonable for them to rely on that information. The withdrawals from Mr A's account that took place the same day were both in branch and via an ATM. I'm satisfied that at least the ATM withdrawal would have required the use of the card and PIN.

Mr A hasn't provided information to suggest that these withdrawals were conducted by anyone other than him. He said *'I lost my personal documents at the time which resulted in my account being closed...'* but hasn't elaborated further. Our investigator made numerous attempts to seek further information and explanations from Mr A but nothing has been forthcoming.

From the evidence I've seen I think it's likely Mr A knows more about what has gone on here than he has shared with Natwest or our service. The bar to place a CIFAS marker is high. Natwest must have reasonable grounds to believe that fraud or financial crime has been committed or attempted. They must also have sufficient information such that they could report matters to the authorities. In this case, I think there was enough information for Natwest to do so and I don't think they acted unfairly by reporting to CIFAS as they did.

I'm also satisfied that the terms of Mr A's account with Natwest enable them to end their business relationship with him – just as Mr A would be free to choose who he banks with. I don't think Natwest exercising their discretion to do so is unfair in the circumstances of this complaint.

Overall, I don't think Mr A has been treated unfairly by Natwest and so I'm not going to tell them to do anything further to resolve this complaint.

### **My final decision**

For the reasons outlined above, my final decision is that I don't 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 23 June 2021.

Richard Annandale  
**Ombudsman**