

The complaint

Miss L has complained eBay Commerce UK Ltd blocked her account and has continued to hold onto her money.

What happened

Miss L has been using an eBay account for a number of years to sell goods. eBay introduced revised terms and conditions in 2021 to coincide with their revised regulatory status.

Miss L wasn't able to provide them with current photo ID in accordance with eBay's terms and conditions. They stopped her access to her account and retained her funds.

Miss L was unhappy with eBay's response which she didn't believe met her needs.

Our investigator believed eBay had done nothing wrong. He also didn't agree with Miss L that eBay's terms and conditions were confusing.

Miss L was unhappy with this response which she didn't believe fully covered the issues she had raised. Her complaint has been referred to an ombudsman.

I completed a provisional decision on 19 August 2022. Whilst I agreed eBay were able to close Miss L's account, I asked them to return the money they continued to hold.

Miss L accepted this outcome. eBay didn't. They believed they had adequate reasons – related to not allowing Miss L to continue as a customer – for not returning the money.

I now have all I need to complete 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.

Having done so, I've reached the same outcome as I did in my provisional decision. I'll explain why.

I have reviewed all the correspondence Miss L has sent us and the emails she referred to in her correspondence with our service. I've also paid attention to eBay's correspondence including their response to my provisional decision.

My role allows me to decide what I believe is important in coming to a decision on anyone's complaint. I have done this here. I certainly mean no disrespect to Miss L or eBay. I have concentrated on what I believe are the key issues that affect the decision I'm making.

I can see the issues arose with Miss L's account only after new terms and conditions had been issued in 2021. Miss L believed she could opt out of the revised terms and conditions without this meaning she would in effect be terminating her account.

I appreciate her point that the terms and conditions are lengthy. I certainly don't disagree. However where required I believe they are clear. Specifically they allow eBay to require specific ID from their customers and if they don't receive this than they can close an account.

There's no dispute Miss L was unable to provide eBay with appropriate and current photographic ID. Therefore I cannot say they were wrong to close her account.

However more than nine months has now passed. It appears eBay has taken no steps to return Miss L's money. In communication to Miss L on 30 November 2021, eBay confirmed they will return money after 180 days. This time has now passed.

Our investigator checked with eBay and they confirmed £510.65 remained outstanding. They believe Miss L was given incorrect information and they apologise for the error. eBay has confirmed their reasons for continuing to hold onto Miss L's money. However I've seen nothing which suggests that if I'd not questioned what was happening, eBay were taking the required action to sort this out.

Despite what eBay has told us, they cannot hold onto these funds ad infinitum and should be taking steps to return them to their rightful owner. There's been no evidence provided what eBay were planning on doing.

On that basis I don't see why I shouldn't expect eBay to abide by the information they provided to Miss L. This was a key aspect of her original complaint.

Putting things right

I now expect eBay to refund Miss L. As the money has been held onto well beyond the 180 days originally confirmed to Miss L, I believe it's right they also add 8% simple interest to that amount from the end of the 180-day period.

My final decision

For the reasons I've given, my final decision is to instruct eBay Commerce UK Ltd to:

- Refund £510.65 to Miss L; and
- Add 8% simple interest a year to that amount from 180 days after initially closing Miss L's account until the date of settlement.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss L to accept or reject my decision before 21 September 2022.

Sandra Quinn
Ombudsman