

## **The complaint**

Miss H has complained Barclays Bank UK PLC lodged a fraud-related marker on the industry fraud database, CIFAS, in her name.

## **What happened**

In 2023 Miss H was told by Barclays that they were closing her account after they'd blocked her usage. They also lodged a fraud-related marker on her record at CIFAS.

After being unable to open further accounts, Miss H complained and told Barclays that she'd been scammed by someone selling tickets and she didn't know anything about the three disputed payments paid into her account on 29 December 2022.

Barclays felt they had sufficient evidence to lodge a record with CIFAS and refused to remove this. Miss H brought her complaint to the ombudsman service.

Our investigator reviewed the evidence and believed this showed it was most likely Miss H had been complicit in the crime. He wasn't going to ask Barclays to do anything further.

Miss H disagreed with this outcome. She's asked an ombudsman to consider her complaint. She's also provided additional evidence about being scammed herself and has suggested that her ex-partner was able to use and phone and access her bank account.

## **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 our investigator. I'll explain why.

It is clear what the requirements are prior to lodging a marker. Specifically:

*"There must be reasonable grounds to believe that an identified fraud or financial crime has been committed or attempted."*

*The evidence must be clear, relevant and rigorous."*

So Barclays must be able to provide clear evidence that an identified fraud was being committed and Miss H was involved.

I've seen the evidence provided by Barclays. This confirms that Barclays received separate fraud reports from a bank whose customer felt they'd been defrauded in not receiving tickets they'd ordered. Three separate payments credited Miss H's account on 29 December of £120, £30 and £30. Miss H has confirmed she doesn't know the person this money has come from, nor did she do anything to make use of the money.

But this doesn't match the evidence. This shows the timing of two payments out of the account of £120 and £30 to a named individual who had been set up as a new payee. The

payments out of Miss H's account are just minutes after the credit firstly of £120 and then the two payments of £30 were received. These transactions were all conducted on the device registered to Miss H's mobile banking.

Miss H firstly told us what she told Barclays that she'd been scammed herself after paying for tickets without receiving anything. She sent us evidence of chats to indicate this is what happened. However I'm not satisfied this shows exactly what she says it does. And in any case this doesn't match the dates of the disputed payments into her account.

She's more recently told us her ex-boyfriend misused her account and she didn't always know what he was doing. What I struggle to understand is why – if this were the truth – Miss H didn't confirm this much earlier.

The requirements around banks lodging markers at CIFAS include there being sufficient evidence that the customer was aware and involved in what was going on. In this case Miss H has consistently been unclear about what was going on. I appreciate she's young but that alone isn't a defence against fraud. Additionally I should stress that lying and not being honest with a bank – like Miss H in her conversations with Barclays in March 2023 – is not in itself a sufficient basis for a marker to be lodged.

However based on the evidence of payments into Miss H's account (which was money by her own admission that wasn't hers) and the payments out of her account, I don't believe it would be right to ask Barclays to remove the CIFAS marker.

I know Miss H disputes this but overall I'm satisfied that Barclays had sufficient clear evidence to lodge the CIFAS marker.

### **My final decision**

For the reasons given, my final decision is not to uphold Miss H's complaint against Barclays Bank UK PLC.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss H to accept or reject my decision before 7 March 2024.

Sandra Quinn  
**Ombudsman**