

The complaint

Mr A and Ms K complain that a branch of Barclays Bank UK PLC (Barclays) won't provide CCTV footage in support of a criminal investigation.

What happened

What Mr A and Ms K say:

Mr A was interested in buying a high value, classic watch, and he agreed a price with a seller. He arranged to meet the seller and was shown the watch. During the process, the seller threatened Mr A with a knife and told him there were people waiting outside his house.

Mr A says he was forced to make four online payments on 25 September 2023 - each for £2,000 (total £8,000). The seller then said he had to pay a further £4,000 in cash. On the same day, Mr A withdrew the cash from a branch of Barclays - £2,000 from his account, and £2,000 from his partner's account. Mr A says he was forced to do this at knife point and the criminal was with him in the branch when the cash was withdrawn.

Mr A reported this to Barclays and the police. The bank managed to get the payments back from the recipient bank - £8,000 was credited to Mr A's account on 1 November 2023.

Mr A says he visited the branch and spoke to the branch manager – who told him the CCTV footage would be retained for six months, and so it would be available to the police as part of their inquiries. But later, he discovered that in fact, the CCTV footage had been deleted and so the police couldn't have it.

Mr A complained. He said:

- The police needed the CCTV for their investigation/inquiries.
- The police visited the branch and submitted a written request for the CCTV footage.
- He was wrongly informed the CCTV would be kept for six months. But because it was deleted, the police couldn't carry out their investigation – meaning he lost the money he paid to the criminal.
- Because of this, he's lost £4,000 and says the bank should refund this to him, plus compensation for misinforming him.

Barclays said:

- They'd managed to get a refund of £8,000 from the bank it was sent to.
- CCTV footage couldn't be released due to 'security and technical reasons.'

Mr A and Ms K brought their complaint to us. Our investigator didn't uphold it. He said:

- Barclays told us their policy is to delete CCTV footage after 31 days.
- He hadn't seen any evidence that the police gave a written request to Barclays within this timescale.
- It wasn't in dispute that the police likely visited the branch in that time.
- He didn't have any evidence that confirmed that Mr A was told the CCTV footage would be kept for six months.
- Even if the CCTV footage had been made available to the police, there's no guarantee that it would've helped the police – it may not have shown the incident, nor been clear enough to identify the individuals concerned.

Mr A didn't agree and asked that an ombudsman look at his complaint, and so it has come to me to make 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.

I was sorry to learn of the incident which Mr A was involved in, and for the distress, upset and fear that must have caused him and his family.

At the outset I'd like to say that we are not a consumer group – we are an informal complaint resolution service. We are not a consumer group acting for (in this case) Mr A and Ms K. We are independent and impartial and our role is to listen to both sides of a complaint, take evidence from both parties, and then decide on a fair and reasonable outcome. It's important to bear this in mind here.

The key issues in Mr A's complaint are:

- What was Barclays' policy on retaining CCTV footage.
- Did the police put in a written request for the CCTV footage within the timescale of 31 days.
- What was Mr A told by the branch when he reported the incident.

Barclays' policy:

I've seen the bank's policy - and it says CCTV footage will be deleted after 31 days. And it can only be released if there's a written request made by certain bodies, one of which is the police – to assist with a specific criminal enquiry.

Written request:

I asked the bank again if a written request was received. And there isn't such a request in their records.

I looked at what the police wrote to Mr A – and while the emails say the police officers did visit the branch after the incident, and an 'online' request was sent to Barclays, none of the emails say when a written request for the release of the CCTV was put in. There isn't a

dated copy of the request provided by the police or the bank.

Because I've seen no conclusive evidence in this respect from either the police emails or Barclays' records, I must conclude that on the balance of probability, no written request was made by the police.

What Mr A was told by the branch:

I asked the branch again for a further testimony about what happened. We have had a testimony from the branch manager (who wasn't at the branch at the time) and I also asked for one from the assistant manager (who met with Mr A after the incident).

Neither says that Mr A was told the CCTV footage would be kept for six months. Both testimonies say the police visited the branch quite soon after the incident. So – it's not in dispute that the police visited the branch and probably looked at the CCTV.

Neither testimony says Mr A was told the footage would be kept for six months.

But both testimonies also say they were told by Mr A that the incident took place outside the branch, and the criminal didn't accompany Mr A into the branch. But - whether the criminal accompanied Mr A into the branch or not - isn't really relevant.

The crux of this decision is that I've not seen sufficient evidence to conclude that Mr A was told the footage would be retained for six months; nor have I seen any evidence that a written request was made to the bank within 31 days.

Therefore, on the balance of evidence I've seen, while I accept that Mr A feels strongly about his complaint and will be disappointed by my decision, I cannot uphold this complaint.

My final decision

I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A and Ms K to accept or reject my decision before 30 October 2024.

Martin Lord
Ombudsman