

## **The complaint**

Mr M complains HSBC UK Bank Plc unfairly loaded him to a fraud database.

## **What happened**

Mr M complained to HSBC about an account opened, in his name, in 2019. Mr M said he hadn't opened this account. Mr M said a loading had been made to a fraud database about this account, but this was unfair as he had nothing to do with the account.

HSBC responded to say it was fair to load the marker with the information it had at the time but if Mr M could provide identification, it would take another look.

Unhappy with this response, Mr M brought his complaint to this service. An investigator looked into things but didn't think Mr M's complaint should be upheld.

The investigator said they thought Mr M had applied for the account with HSBC, the application included the same phone number and email address as Mr M's complaint form.

And the investigator thought the fraud marker was fair as £3,900 had credited the account, and Mr M had spent some of this money with regular retailers and beneficiaries.

The investigator thought HSBC had fairly loaded the marker as the £3,900 was a fraudulent payment Mr M had accessed.

Mr M disagreed and said he wanted to make a second complaint. Mr M asked how he was meant to get an account with this marker. Mr M's complaint was passed to me to reach a final decision on its merits.

## **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.

Mr M's complaint to this service is he didn't open the HSBC account the fraud happened on. Like the investigator, I think Mr M opened and used this account. Mr M's existing phone number and email address were used, which would be odd for a fraudster to use.

But, more importantly, this account was used to receive money from another person with the same surname as Mr M, and a payment out to another person with the same surname, with the reference 'board'.

I don't think a fraudster would open this account up in Mr M's name, then pay what appears to be Mr M's rent to a family member.

I'm satisfied Mr M opened this account, and I'm also satisfied the account received a fraudulent payment of £3,900. It seems Mr M was called about this payment three days after it credited his account, and he told HSBC his phone and card had been stolen.

Mr M said his phone contained his PIN and online banking details, which explained why someone else had accessed the fraudulent credit.

I don't think this is persuasive testimony, it doesn't appear Mr M had told HSBC about the theft or cancelled his card. I think it's very much more likely Mr M was aware of this credit, knew it was fraudulent but either spent it himself or allowed someone else to.

And I think this is made even more likely because I think Mr M has now lied to HSBC and this service when he says he didn't open this account.

Since I think Mr M was complicit in the spending of this fraudulent money, I think HSBC acted fairly when it loaded Mr M's details to the fraud database.

Mr M has asked how he can get an account with this marker, and Mr M should be able to open a basic bank account.

I realise the serious effect a fraud marker can have on someone, and I'm sure this has impacted Mr M's ability to get an account or other credit. But I can only ask HSBC to remove the loading if I think it's acted unfairly, and I don't think it has.

In response to the investigator's assessment Mr M said he wanted to make a second complaint. For clarity, my decision is final, so Mr M's reached the end of the process with this service.

Mr M could try and dispute the loading direct with the fraud marker company, but as far as his complaint against HSBC goes, I don't think HSBC has acted unfairly, so I won't be asking it to remove the marker it loaded against Mr M.

### **My final decision**

My final decision is I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr M to accept or reject my decision before 8 July 2025.

Chris Russ  
**Ombudsman**