

## **The complaint**

Mr I and Mr W complain HSBC UK Bank Plc won't provide written confirmation of payments they made from their account.

## **What happened**

Mr I and Mr W have a joint account with HSBC and have done so for many years.

Mr I and Mr W say they invested in property abroad and made payments towards that investment from their HSBC account. They say they made twenty-two payments between March 2008 and May 2014 and have the statements that HSBC issued at the time that evidence these payments.

Mr I and Mr W say they've tried to open a local bank account and in order to do so had to be able to demonstrate that they had invested in the property in question – so they would be eligible for an investment visa – which means they need written confirmation from HSBC that it sent the payments I've just mentioned. Mr I and Mr W say they went to their local HSBC in November 2024 in order to get this written confirmation and were told following that meeting that this wasn't something that HSBC could do. They complained.

HSBC looked into Mr I and Mr W's complaint and said that it couldn't confirm that it had made the payments in question as it no longer had information for the account going back that far. HSBC said that its records only go back six years. Mr I and Mr W were unhappy with HSBC's response and so complained to our service.

One of our investigators looked into Mr I and Mr W's complaint and said that they didn't think HSBC had acted unfairly as it didn't have any statements for this account earlier than 2019 given its data protection policies. Mr I and Mr W said that whilst they understand companies aren't required by law to retain data for more than six years, they find it incredulous that HSBC, as a bank, adheres to such a policy. They said that historical data was normally retained somewhere on or off site. In addition, Mr I and Mr W said HSBC's actions were inconsistent with the requirements of the Consumer Duty. They asked for their complaint to be referred to an ombudsman for a decision. Their complaint was, as a result, passed to me.

## **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 can understand why Mr I and Mr W feel very frustrated with HSBC – they have what they say are the original statements and debit advice that HSBC sent evidencing the payments they made when they invested in property abroad and “all they want” is for HSBC to confirm that it made these payments. I can, however, also understand why HSBC doesn't feel able to do so as I'm satisfied it no longer has details of the activity on the account prior to 2019. That's because HSBC has deleted this information in order to comply with its obligations under the Data Protection Act – legislation that means businesses can't keep data longer than is necessary. HSBC doesn't have a choice in this. I appreciate that Mr I and Mr W feel that the Consumer Duty ought to make a difference here too, but this only come into force just over a year ago and isn't retrospective. HSBC would have deleted the data it would need to authenticate the payments Mr I and Mr W wanted authenticating many years ago. I don't think it's unfair or unreasonable of HSBC to decline to do so in the absence of corroborating information. Nor do I think it's fair to ask HSBC to certify a document issued over 10 years ago is a document it issued. I appreciate that this will come as a disappointment to Mr I and Mr W.

## **My final decision**

My final decision is that I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr I and Mr W to accept or reject my decision before 15 April 2025.

Nicolas Atkinson  
**Ombudsman**