

## **The complaint**

Mr T complains that Barclays Bank UK PLC unfairly loaded a Credit Industry Fraud Avoidance System (CIFAS) marker against his name.

## **What happened**

Around March last year, Barclays contacted Mr T to ask him about a payment of £350 received into his account. Barclays didn't receive a response, so later that month it closed Mr T's account immediately and loaded a CIFAS marker against his name.

Mr T complained to the bank and Barclays maintained its position. Seeking an independent review, Mr T asked this service to get involved. Mr T says he never received Barclays' request for information about the payment in question.

Mr T claims that he rented a vehicle out to a third-party, who paid him the £350 due to damage caused to the vehicle during the rental period. Mr T says the third-party advised him that the payment would be sent from another individual's account, and he didn't question this as the third-party is known to him.

Mr T wants Barclays to remove the CIFAS marker. He says it has negatively affected his life, he's had bank accounts closed elsewhere, his credit score has been impacted and his mental health has deteriorated. Mr T adds that he feels belittled and has been treated like a criminal.

One of our investigators issued their outcome, concluding that Barclays had acted fairly. Mr T doesn't agree and asked for a final decision. So the complaint has been passed to me for a final review.

## **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've decided not to uphold this complaint. I appreciate that this will be difficult for Mr T to hear so I'll explain why.

The marker that Barclays filed with CIFAS is intended to record that there's been a 'misuse of facility' – relating to using the account to receive fraudulent funds. In order to file such a marker, Barclays isn't required to prove beyond reasonable doubt that Mr T is guilty of fraud or financial crime, but it must show that there are grounds for more than mere suspicion or concern. CIFAS says:

- There must be reasonable grounds to believe that an identified fraud or financial crime has been committed or attempted; [and]
- The evidence must be clear, relevant and rigorous.

What this means in practice is that the bank must first be able to show that fraudulent funds have entered Mr T's account, whether they are retained or pass through the account.

Barclays will need to have strong evidence to show that Mr T was deliberately dishonest in receiving the fraudulent payment and knew it was, or might be, an illegitimate payment. But a marker shouldn't be registered against someone who was unwitting; there should be enough evidence to show deliberate complicity. There's also a requirement that Barclays should've given Mr T an opportunity to explain what was going on.

So, in order to decide whether Barclays acted fairly, I need determine whether it had enough evidence to meet the above standard of proof to load the CIFAS marker.

Barclays has sent this service confidential information about the payment Mr T received into his account. Although I cannot share the details, I'm satisfied the information is clear, relevant and rigorous enough to justify Barclays's actions.

I can see that Barclays wrote to Mr T on 15 March, asking for more information about the payment. Mr T says he didn't receive the bank's letter, but I'm satisfied it was sent correctly. As I explained in my summary, Mr T has since told this service why the payment was received into his account. He's provided some information to support his testimony and to prove his entitlement to the payment.

However, the information Mr T has sent us doesn't persuade me that the purpose of the payment was for what he claims it to have been for. I haven't seen anything that demonstrates Mr T rented out a vehicle to a third-party, that the vehicle was damaged and that there was an agreement that he would be paid £350 because of this. And although Mr T has offered an explanation, he hasn't evidenced that there was an agreement to receive funds from an unknown third-party account either. So I can't fairly conclude that Mr T is entitled to these funds or that the burden of proof required to load a CIFAS marker hasn't been met by Barclays.

Given this, I don't find that there's sufficient cause to ask Barclays to remove the CIFAS marker.

### **My final decision**

For the reasons explained, I'm not upholding this complaint. Under the rules of the Financial Ombudsman Service, I'm required to ask Mr T to accept or reject my decision before 12 May 2025.

Abdul Ali  
**Ombudsman**