

The complaint

Mr R complains TSB Bank plc unfairly loaded him to a fraud database.

What happened

Mr R asked for his information from a fraud database company, and saw TSB had loaded him. Mr R complained to TSB and it said it had loaded him because he'd held an account with TSB and raised fraud claims on payments TSB thought Mr R had made.

TSB said it had proof from the retailers Mr R made the transactions, so it had loaded him correctly and wouldn't be removing the loading.

Mr R brought his complaint to this service and said he'd never held a TSB account. And since Mr R had never held an account with TSB, he can't have raised a fraud claim.

An investigator looked into things but didn't think Mr R's complaint should be upheld.

The investigator said they were persuaded Mr R had opened the TSB account. The investigator said Mr R had brought a previous complaint to this service about the transactions he'd raised as fraud.

And the investigator thought Mr R had raised fraud claims on transactions he'd made. Because of this, the investigator thought TSB fairly loaded Mr R to the fraud database.

Mr R didn't agree and said an email address the investigator had mentioned wasn't his.

Mr R asked for an ombudsman to decide things.

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.

For me to consider a complaint from Mr R, I need to be satisfied he opened the account. If I don't think Mr R opened the TSB account, I might decide he's not eligible to complain.

Looking at the details TSB hold for Mr R I'm satisfied he opened the account. Mr R used an email address with TSB which is the same as the one he's used to contact this service.

The investigator made a mistake in their assessment, and said the email address was an outlook address. This isn't correct, the email used for the TSB account is a gmail address, the same address as Mr R's communicated with this service.

Mr R's said the address used for the TSB account was one he hadn't lived at for a number of years prior to the TSB account opening. But TSB has sent in a copy of Mr R's driving

licence, and it shows the address TSB has on file.

This driving licence was sent to one of the retailers in 2021, and the TSB account was opened in 2020. I'm satisfied Mr R had a proof of address, at the time of the TSB application, which showed he lived at the address TSB has on file.

And I've looked another complaint Mr R logged at this service. This complaint was also about TSB. I'm persuaded Mr R brought the complaint to this service, in 2021, and used the postal address TSB has on file and said he had a TSB account.

Since I'm satisfied Mr R opened the TSB account, he's an eligible complainant so I can continue to consider the merits of Mr R's complaint about the fraud database loading.

TSB has said Mr R falsely reported loss. TSB thinks this because Mr R said several payments to gambling companies weren't made by him, but TSB thinks Mr R authorised these transactions, so by saying he didn't he's falsely reporting loss.

The evidential bar for a fraud database loading is higher than the balance of probabilities, what's more likely to have happened. TSB could decline a fraud claim on the balance of probabilities, but not have enough evidence to load someone to a fraud database.

But, looking at the evidence TSB has, I think it's met the higher evidential bar.

When TSB investigated Mr R's fraud claim it contacted the gambling companies to ask what identification it held and why it thought Mr R had made the payments.

One of the gambling companies supplied a passport copy, which has the same number as Mr R's confirmed his passport has. Another gambling company sent in the copy of Mr R's driving licence and copies of his TSB card.

And all the gambling companies TSB contacted said Mr R had used the same gmail address as a contact. And this gmail address is the same as TSB holds, and the same address Mr R's sent emails to this service from.

I think there's a significant amount of evidence Mr R opened both the TSB account and the gambling accounts he made payments to.

I think this evidence shows, to a high evidential bar, Mr R then authorised payments to these gambling accounts in his name.

And since I think Mr R made the payments, when he reported them as fraud I think he was falsely reporting a loss to TSB.

TSB didn't refund Mr R, so he hasn't benefitted from these false claims. But Mr R doesn't need to have received a refund to be fairly loaded to a fraud database.

I think Mr R simply has to report the loss, and attempt to gain a refund he's not entitled to, for TSB to fairly load the marker.

I understand the significant effect a fraud database marker will have on Mr R. So I've very carefully considered what Mr R and TSB have said.

But I'm not persuaded by what Mr R has said, I think he opened the TSB account and then raised fraud claims for payments he'd made.

Because of this I think TSB has fairly loaded Mr R to a fraud database. And since I think the loading is fair, I won't be asking TSB to remove it.

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 R to accept or reject my decision before 8 August 2025.

Chris Russ
Ombudsman