

## **The complaint**

Miss B is unhappy that Bank of Scotland trading as Halifax applied a Cifas marker against her name. She would like the marker removed.

Miss B is being represented by a member of her family but for ease I'll only refer to Miss B below.

## **What happened**

The background to this complaint is well known to both parties and so I'll only refer to some key events here.

Miss B said she noticed disputed transactions on her account and that two overdrafts had been applied for and then the money spent. Halifax reviewed the activity and decided that Miss B had authorised the transactions and overdrafts on her account. It decided to close her account and apply a Cifas marker to her name. Miss B was unhappy with that decision as it has stopped her from opening a bank account with other providers. But Halifax maintained the Cifas marker had been applied fairly.

So, Miss B brought her complaint to this Service.

Our Investigator didn't think the complaint should be upheld. He said that in a call with Halifax, Miss B had admitted that she was aware of the device that was used to conduct the disputed activity and had registered her banking app on that phone.

Miss B disagreed and asked for an Ombudsman's review. She said Halifax were aware that she sounded nervous on the phone and should've done more to stop what was happening here.

## **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.

Having done so I'm not asking Halifax to do anything further, and I'll explain why.

But first, I would like to say at the outset that I have summarised this complaint in far less detail than the parties involved. I want to stress that no discourtesy is intended by this. If there is a submission I have not addressed, it is not because I have ignored the point. It is simply because my findings focus on what I consider to be the central issues in this complaint.

Where the evidence is incomplete, inconclusive, or contradictory (as it is here), I have to make my decision on the balance of probabilities – that is, what I consider is more likely than not to have happened in the light of the available evidence and the wider surrounding circumstances.

Miss B has explained that the Cifas marker has impacted her greatly, particularly due to the closure of her accounts. But while I know this won't be the outcome she is hoping for, for largely the same reasons as our Investigator, I don't think Halifax has unfairly applied the marker. I'll explain why.

For the Cifas marker to have been applied fairly, Halifax needs to have more than a suspicion or concern. They must show they had reasonable grounds to believe that a fraud or financial crime had been committed or attempted. And the evidence must be clear, relevant and rigorous.

Miss B has told this service and Halifax during its investigation that she has never had an iPhone. However, I've listened to the call Miss B had with Halifax on 04 July 2024. During that call, Halifax flagged an online transaction on her account on 02 July 2024 for £25. Miss B said she made the transaction and that she was aware of two devices set up on her account (Samsung and iPhone – which she had at home). Miss B said she reregistered the app on her Samsung device and had added the app to her iPhone a few days earlier. I note Miss B told Halifax and this service that she doesn't own an iPhone. However, because her testimony has been inconsistent, I don't find it very persuasive or reliable enough to find that she was more likely than not unaware of the iPhone being given access to her account or that she was unaware of the disputed activity on her account. Nor have I found the additional evidence she provided to the Investigator of her nervousness on the phone (according to Halifax), pictures of the phone she uses and from the mobile phone provider of the Samsung phone to persuade me that she more than likely had no knowledge of the iPhone that had access to her account.

So, the above call persuades me that Miss B was more likely than not aware of the device that was used to make the fraudulent payments and overdraft activity. And Miss B admitted that she authorised the access to her account on that iPhone. That would've entailed her asking for the necessary access codes from Halifax to safely set up the device. So, I think Halifax has fairly held her responsible for the disputed payments and Overdraft that took place on that device and subsequently reasonably registered a Cifas marker against her name.

I note Halifax took the decision to close Miss B's account which it is reasonably allowed to do in line with the terms and conditions of the account as long as it gives the required noticed period of 60 days – which I can see it did here.

Overall and having considered everything, I'm satisfied that Halifax acted fairly in applying the Cifas marker and closing Miss B's account as I don't think Miss B has been able to sufficiently demonstrate she was unaware (on balance) of the device and the disputed payments.

### **My final decision**

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss B to accept or reject my decision before 20 February 2026.

Mark Dobson  
**Ombudsman**