

## **The complaint**

Mr A complains Metro Bank PLC unfairly added his details to a fraud database.

## **What happened**

Mr A called Metro to let it know he'd been overcharged for a card purchase. Metro took Mr A through other transactions, and he said he'd not made several of the payments.

Metro raised these payments as fraudulent and looked into what happened. Metro declined Mr A's fraud claim, closed his account and loaded his details to a fraud database.

Mr A complained to Metro, and it responded to say it was satisfied it had acted fairly by loading Mr A's details to a fraud database. Metro said it wouldn't be removing the loading.

Metro said it couldn't find a call from Mr A raising a complaint about the loading earlier than when it responded to him, but said it had given some poor service to Mr A, so it paid £50.

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

The investigator said there was no evidence Mr A was a victim of fraud, so they couldn't say Metro had acted unfairly. The investigator thought the £50 already paid was fair for Metro not logging a complaint sooner than it did.

Mr A didn't agree with this outcome and said he was the victim of impersonation fraud, and sent in evidence to show this. Mr A said this proof he was the victim of fraud cast doubt on the fraud database loading as Metro couldn't show fraudulent intent from him.

Mr A said the rules for loading a fraud marker are clear and there's a significant burden of proof on Metro to show it's acted fairly.

Mr A said he never shared his card or personal identification number (PIN) with anyone and didn't know either were compromised. Mr A says the compromise, and further fraud on replacement cards, is indicative of the wider identity theft he experienced.

Mr A said the fraud database loading has caused significant inconvenience to him, with applications for credit declined and other accounts closed.

Mr A 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.

Mr A's raised the higher burden of proof on Metro to prove he acted fraudulently, and I agree

this is a higher burden than the usual and more simple balance of probabilities, or what's more likely to have happened.

For Metro to maintain the fraud database loading it needs to show Mr A reported transactions on his card as fraud but made them himself or allowed someone else to make them with his agreement.

It isn't enough for Metro to just decline the fraud claim, this could be for many reasons. Metro needs to provide very persuasive evidence Mr A, or someone he authorised, made the transactions and he then reported them as fraudulent, knowing he'd made the payments.

I've also thought very carefully about what Mr A says the impact of the fraud database marker is, and I'm aware it will have a significant, negative impact on Mr A's banking.

I've listened to the call Mr A made to Metro, to dispute a payment he made in a coffee shop while overseas. Mr A said he was charged more than the amount on the receipt. Mr A also said he'd been charged for a subscription despite having proof it had been cancelled.

Mr A then said he didn't recognise a few other payments, including payments to a hotel.

Whilst the person at Metro went through other payments on Mr A's account he said he didn't recognise a lot of them, made in the overseas country he was in and then some in the UK.

When Mr A was asked if he still had the card he said he didn't have it. Mr A then said he thought someone at the hotel might have taken his card and used it.

Looking at the transactions Mr A raised as fraud, the earliest was made on 8 May, one of the payments to the hotel. Mr A recognised a transaction on 10 May, but said other payments on the day, including a cash machine withdrawal, weren't him.

Mr A didn't recognise payments made on 11 May, again including a cash machine withdrawal.

The payment to the coffee shop Mr A was disputing the amount for was on 12 May, Mr A agreed he made this payment.

Mr A then said he hadn't made several of the transactions on 14 May, which included cash machine withdrawals in the UK and a large retail purchase in the UK.

I'm satisfied Mr A told Metro he hadn't made several payments made with his card, he said these payments were fraudulent and even suggested who carried out the fraud, by saying someone in the hotel might have used his card.

Since some of the transactions overseas and in the UK were cash machine withdrawals, a random third party would need Mr A's physical card and the PIN, so I'm satisfied the physical card must have been used overseas and then the UK.

While it's possible someone in the hotel took Mr A's card, I can't see how they'd know what his PIN was.

But even if I accept a random third party found out Mr A's PIN, this person would need to take Mr A's card, use it, and place it back with Mr A for him to carry out transactions he accepts he made.

Then take the card again, and replace it again, all without Mr A realising.

And this person would then need to travel back to the UK at the same time as Mr A and carry out transactions here. I think this is extremely unlikely.

Mr A's said the card payments are linked to wider identity theft he experienced.

But this would mean whoever was using Mr A's identity would have needed to travel overseas, to the same place as Mr A, take and replace the physical card, already know or find out Mr A's PIN and use it.

And having used the card overseas, they'd then need to come to the UK, at the same time as Mr A, and carry out transactions here too.

Again, I think this is extremely unlikely.

Mr A had more money in his account than was taken, and this also doesn't make sense if a random third party was using his card. This person wouldn't know when Mr A might realise his card was missing and cancel it, stopping the fraudster accessing money.

Yet, a random third party appears to have only made small retail purchases overseas and withdrawn cash of around £30, around £100 twice, then £10 and £40. I think it's more likely a random third party would take as much as they could as quickly as they could.

Whoever had Mr A's card, overseas or in the UK, wouldn't know when he'd realise it was missing. But this person didn't take a lot of money out, even though they were risking Mr A not being able to find his card and then cancelling it, stopping its use.

And it seems Mr A didn't have the card when he was back in the UK. So it seems someone had unrestricted access to Mr A's account, via his card, yet only made a couple of payments, not spending anywhere near the amount Mr A had in the account.

And Mr A was logging into his mobile banking while the unrecognised transactions were taking place. I can see Mr A made several payments out of his account during this time.

Mr A would have seen some of these disputed transactions much sooner than he reported them, and his available balance would have reduced quite a lot when the overseas cash machine withdrawals were made.

But it seems Mr A didn't notice these transactions or speak to Metro sooner than his call to dispute a payment he made.

I think Mr A made the transactions he later reported as fraudulent. I can't see any other logical explanation for what happened. Mr A had his card when he travelled overseas and has said he didn't tell anyone his PIN.

The transactions were carried out in places Mr A was at the time, appearing to follow Mr A as he travelled and returned to the UK, he would have seen the transactions on his mobile banking and there's not an explanation for someone else got hold of Mr A's PIN.

I can't see how anyone other than Mr A carried out the transactions he says were fraudulent.

Because of this, I think Metro has provided enough evidence to say Mr A raised payments he made as fraudulent. And because of this, I think Metro's acted fairly by loading Mr A's details to a fraud database, and I won't be telling it to remove it.

Mr A says he raised a complaint, heard nothing then had to chase Metro. Metro has no evidence to show Mr A called earlier, but it seems to have accepted he did.

Metro paid Mr A £50 for any inconvenience Mr A might have been caused, and since Metro seems to accept Mr A called earlier, this seems a fair amount to pay.

### **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 A to accept or reject my decision before 7 May 2026.

Chris Russ  
**Ombudsman**