

The complaint

Mr O complains TSB Bank plc unfairly loaded a CIFAS marker against his name.

What happened

The details of this complaint are well known to both parties, so I won't repeat them here. Instead, I will focus on the reasons for my decision.

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.

In my review I've focussed on what I think are the key issues here. Our rules allow me to do this. This simply reflects the informal nature of our service as a free alternative to the courts. If there's something I've not mentioned, it isn't because I've ignored it. I'm satisfied I don't need to comment on every individual argument to be able to reach what I think is the right outcome. I do stress however that I've considered everything Mr O and TSB have said before reaching my decision.

Firstly, I am sorry to see Mr O has had cause for complaint – I can understand his frustration with the situation. However, having looked at the complaint fully, my review of the evidence has led me to the same overall conclusions as the Investigator previously set out and for much the same reasons. I will explain why.

As part of its regulatory duties, businesses will use databases to share information. CIFAS is a fraud prevention agency, which has a large database on which information is recorded to protect financial businesses and their customers against fraud. When a bank is a member of CIFAS, it can record a marker against a customer when that customer has used their account fraudulently. This type of marker will stay on a customer's record for a specific period, depending on the customer's age and will usually make it difficult for that customer to take out new financial products. CIFAS forms an important part of the financial services regulatory framework and is intended to assist in the detection and prevention of financial crime.

In order to file such a marker, TSB is not required to prove beyond reasonable doubt that Mr O is guilty of a fraud or financial crime, but it must show that there are grounds 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 such that the member could confidently report the conduct of the subject to the police.

What this means is that TSB will need strong evidence to show that Mr O has used the account to receive fraudulent funds. A CIFAS marker shouldn't be registered against a customer who has acted unwittingly – there must be evidence of a deliberate fraudulent

action. The application of a CIFAS marker can have serious consequences for an individual, so this service expects business to carry out a thorough review of the available evidence.

My role is to establish if TSB has sufficiently demonstrated it has met the burden of proof set out by CIFAS to load the marker against Mr O. TSB has provided this service with details of the investigation it carried out following the fraud reports it received and Mr O's complaint. At the time the funds entered Mr O's account TSB blocked it and reached out to him and asked for details of his account activity. Mr O did not respond at the time. Due to the evidence it held and lack of response a CIFAS marker was loaded on 13 February 2023.

Mr O's account closed in early April 2023 and in late July 2025 Mr O contacted TSB and complained about the marker. At this point Mr O explained his card had been lost in and it wasn't reported as missing. Mr O claimed that an unknown third party had used his account, and the funds that entered it were linked to them, and not him. TSB reviewed this evidence, alongside the technical data it held, and it didn't find Mr O's comments to be persuasive. In its final response letter, it confirmed the marker would remain, and it had acted fairly.

In my review I have also considered Mr O's comments to both TSB and our service. Mr O says his housemate helped him set up his account and Mr O believes they are the one that used his account without his permission. Mr O was unable to provide evidence to support this, such as messages or specific details about this individual.

Mr O also referred to the devices registered on the account. I can see two devices were registered, and the second device accessed the account regularly until the account closed. Mr O claims this was not his device – instead his was the one initially registered on the account. I can't say for certain how the devices were used, and who was in control of them, but I am not persuaded Mr O wasn't aware of the account activity. I also can't see why Mr O didn't contact TSB if he had concerns about his account and who was in control of it. Mr O also failed to engage in the account review when TSB blocked and then closed it. I find these factors significant – and they don't persuade me that Mr O wasn't in control of the account and aware of the incoming funds.

Mr O's version of events doesn't explain the number of fraud reports received, and Mr O's swift movement of funds onwards to a separate account. Mr O's testimony had also been both unclear and inconsistent in his dealings with TSB and our service. Essentially Mr O's comments and the supporting evidence don't allay the concerns regarding fraud and clearly show he is entitled to the funds. My review of this information, alongside the submissions made by TSB to this service has led me to the same view reached by the Investigator. The evidence available equates to more than mere suspicion or concern of fraudulent activity.

As part of his complaint to this service Mr O has highlighted his personal circumstances. Mr O has my sympathy, and I appreciate this has been a challenging time. Ultimately, TSB is under a duty to accurately record information about all its customers, and it must do so in an objective manner. Further, the test set out by CIFAS doesn't ask businesses to make judgements on each individual customer. Instead, the test sets out clear requirements that enable businesses such as TSB to make evidence and fact-based decisions.

After reviewing all the available evidence, I find that the marker was loaded fairly. I appreciate Mr O will be disappointed with my decision, I hope it provides some clarity around why I won't be asking TSB to take any further action.

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 Mr O to accept or reject my decision before 21 May 2026.

Chandni Green
Ombudsman