

complaint

Mr W complains that NatWest are holding him liable for an overdraft debt on a bank account he did not have with them.

background

In 2018, Mr W received a letter from a debt collection agency seeking to recover about £400 relating to an account with NatWest. The account had gone into an overdraft and had been outstanding since 2017. Mr W complained because he said he had never had an account with NatWest, let alone run up an overdraft with them, therefore there must have been a mistake.

NatWest checked the account opening information and other records. Having done so, they thought that Mr W had opened and used the account; they did not think they had made a mistake and it was reasonable of them to pursue recovery of the debt.

The investigator at this service looking into the complaint agreed with NatWest.

Mr W thought that was unfair. He maintained that his identity had been stolen and the account opened fraudulently; therefore, any debt relating to the account was not his. He asked for an ombudsman to review his complaint.

my findings

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Having done so, I also think that it is reasonable for NatWest to seek recovery from Mr W for the debt. I will explain why.

I can see from NatWest's records that the account was opened in September 2015. The account was active until 2017. It received regular payments in from the DWP, although these were not the only deposits. When the account did go into overdraft, during the active period, money was paid in to prevent the balance going over the limit. This indicates someone was aware of, and involved in, the running of the account.

Mr W said he has never claimed any benefits. The reference next to the DWP payments appears to be a National Insurance number. Mr W says his number is different. From his memory, he provided the letters and I note two of them are different. So I bear in mind there is a possibility the payments did not relate to him. That said, I also bear in mind that I have not been provided with any information from the DWP to confirm whether or not Mr W has ever been in receipt of any payments, nor do I have any documentation which sets out Mr W's full National Insurance number.

Considering the other evidence then, I can see that the details used to open and maintain the account were the same as those provided by Mr W to this service: that is to say, for example, his names, date of birth, email address, landline number and mobile number. The bankcard for the account and the PIN were sent to Mr W's address.

This means that anybody using Mr W's details would also have to have access to his home in order to be able collect and use the bankcard. Mr W has said that the person he lived with

at the relevant time is beyond reproach and he has said that others could have access to his home but he has not explained who or how.

Paper statements were not sent to the address, however, email notifications were sent. Given that the email address the bank held is the same one Mr W uses, I think it more likely than not that Mr W saw those messages including those informing him that charges would apply to the account. I think that is consistent with the way the account was run.

The type of identification used for the account opening was a provisional driving licence. The start date for the licence was 30 June 2015. Mr W said he lost his wallet in June 2015. If that were the case, that would indicate that someone had used Mr W's information to apply for a fake licence.

Mr W thinks that must be right as he told us he had not held a provisional licence since the 1990's. The investigator at this service asked Mr W for a copy of his current licence but Mr W said that it had been sent off for renewal and had no other photo identification. This means I have nothing to compare it against and again I have to use the information, which I do have.

Importantly, however, the investigator also noted that a provisional licence, bearing the identical details as in this case, was used to open an account - which Mr W did not dispute - at a different bank. I can see the relevant document was certified as a true copy of the original. That was in September 2017.

I think it is more likely than not, therefore, that the provisional licence was that of Mr W and it was used to open the NatWest account.

Overall, I am satisfied that Mr W did open the NatWest account and do think it is fair and reasonable of NatWest to pursue him for the debt, which accrued on it.

my final decision

As a result of my findings, therefore, I do not uphold this complaint and I do not require NatWest to do anything further.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr W to accept or reject my decision before 31 January 2020.

Anna Keighley
ombudsman