

complaint

Miss D complains that information Barclays Bank plc has recorded with CIFAS¹ is causing her difficulty opening a new bank account.

background

Barclays closed Miss D's current account following suspicious activity. Miss D says she didn't know how the activity took place, but that someone must have got her card and personal identification number (PIN) without her knowledge. Barclays hasn't sought repayment from Miss D. But it has filed information on the CIFAS database relating to the suspicious activity.

Miss D says this is affecting her ability to open an alternative account. She wants Barclays to remove the information, as she feels it's unjustified. Barclays, on the other hand, believes it's correct to record the information. It is unwilling to remove it.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. Where there's a dispute about what happened, I've based my decision on what I think is most likely to have happened in light of the evidence.

The information Barclays has recorded – that Miss D's account has been subject fraudulently misuse – is factually correct. Miss D doesn't challenge this aspect. The issue at hand is whether Barclays can fairly say (or infer) that Miss D was involved in that misuse.

Here, I don't need to determine whether the bank's entitled to hold Miss D liable for any money withdrawn. But I do still need to consider the circumstances surrounding the account activity, to say whether I consider it took place with Miss D's knowledge or agreement.

Miss D says she can't remember exactly when or where she lost her card. She thinks it may have been at a party she attended, though she can't be sure. And even if it was, that doesn't explain how a third party would have known her PIN. Whoever withdrew the money was able to enter the PIN correctly.

Miss D says she kept a record of her PIN in her mobile phone. She'd left the phone with a shop for repair. She says that during this time her PIN would have been available for someone to misuse her account. That may be so, but I can't see how anyone at the shop would have been able to take her card, whether at the party or if she'd lost it elsewhere. And it doesn't strike me as the most likely explanation for what happened.

Rather, I think the most likely explanation is that Miss D gave her card and PIN to someone else, who undertook the account activity. Miss D might have been misled into doing so. She might not have known precisely what that person intended to do. But in the circumstances, while I recognise the difficulties it will cause Miss D, I don't believe Barclays has acted unfairly in recording the CIFAS information.

¹ CIFAS is a fraud avoidance database

my final decision

My final decision is that I do not uphold this complaint.

Niall Taylor
ombudsman