

## **complaint**

Miss W complains Barclays Bank Plc closed an account she had with it and recorded a fraud marker on the Credit Industry Fraud Avoidance System ("CIFAS").

## **background**

In April 2016 money was paid into Miss W's account and subsequently withdrawn. Following these transactions another bank got in touch with Barclays and said Miss W wasn't entitled to the money which was paid into her account. Barclays carried out a review on her account. It wrote to Miss W and told her it was closing her account. It also recorded information on CIFAS.

Miss W complained to Barclays about its decision to close her account without discussing the matter with her first. She was particularly concerned the marker was preventing her from being able to get banking facilities elsewhere.

Barclays investigated Miss W's concerns and said that its decision to close the account had been carefully considered and in line with the terms and conditions of the account. It explained it was unable to share information on the guidelines it had used, but it felt it had acted correctly. It also told her that it was obliged to record information about her account on CIFAS and it wouldn't remove this information.

Unhappy with Barclays' response, Miss W referred her complaint to our service. Our investigator looked into the complaint, but she didn't think it should be upheld. In summary, she didn't think Barclays had acted incorrectly in the circumstances.

Miss W didn't agree with the investigator so the complaint has been passed to me for a final decision.

## **my findings**

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 don't think the complaint should be upheld. I'll explain why.

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Banks record information on the CIFAS database in order to minimise the risk of fraud – often this can happen when, as in this case, the account has been misused. So, I understand why Barclays has applied the marker since money was paid into Miss W's account which she wasn't entitled to. So I wouldn't be able to ask it to remove the marker.

Barclays closed Miss W's account following a review. I do recognise that Mr M would have found this frustrating. But, ultimately, Barclays were entitled to close the account. But I want to reassure Miss W that I've made sure that Barclays did everything it was meant to do and followed the terms and conditions. The terms and conditions say:

*"...we may end this agreement immediately... (and stop providing services and close your account) if ... we have reasonable grounds for thinking you have done any of the following things, which you must not do:*

- You put us in a position where we might break a law, regulation, code or other duty that applies to us if we maintain your account.*
- You give us any false information at any time.*
- You commit (or attempt) fraud against us or someone else.*
- You use (or allow someone else to use) your account illegally or for criminal activity, including receiving proceeds of crime into your account.*
- You inappropriately let someone else use your account..."*

Barclays did what it should have done when letting Miss W know it was going to close her account. I can see that it sent Miss W a letter to let her know its decision to close the account. And under the terms and conditions of the account it could close the account without providing Miss W with notice.

Taking the matter as a whole, I don't think it would be fair for me to tell Barclays to remove the information and I'm satisfied it was entitled to close her account and followed its procedures when closing the account.

### **my final decision**

For the reasons I've explained, while I appreciate this will be a disappointment to Miss W, my final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss W to accept or reject my decision before 3 May 2018.

Michelle Griffiths  
**ombudsman**