

complaint

Mr E feels that HSBC Bank Plc ("HSBC") has treated him unfairly around his internet banking because he says it was accessed by a third party some time ago.

background

Mr E complains that a named third party gained access to internet accounts and particularly statements of Mr E's accounts. These statements were then used in civil proceedings which Mr E says were key evidence in him losing the case and consequently having to make a substantial payment. Mr E seeks compensation for this but not the amount of his civil proceeding's loss (which is substantially over this service's maximum enforceable award).

Mr E complained to HSBC and it rejected his complaint. Mr E didn't agree so he brought his complaint here and the adjudicator did not uphold it. Mr E does not agree so this complaint has been passed to me.

my findings

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

Having considered Mr E's complaint in its entirety I am not upholding it. I say this because:

- Mr E had been party to financial transactions with the third party. It seems from what Mr E says that at one time there had been a significant relationship between Mr E and the third party. It is also clear from what Mr E says that the civil proceedings were for a significant amount of money. Mr E also says that in court the third party said they were sent the statements in the post. So I can't discount the possibility that the third party gained the statements entirely legitimately.
- Mr E repeatedly states that the third party accessed his internet banking through a combination of computer expertise and research into Mr E's affairs. To access such internet banking at the time in question the third party would have to have both Mr E's security number and a password. Bearing in mind what HSBC says about its security for online banking I am not persuaded such unauthorised third party access is more likely than the third party acquiring such statements by some other means or having gained the security number and password from Mr E.
- Mr E now says that the statements put to the court were doctored. Clearly if this is the case it is a matter for the court and the police. Those bodies would be better able to assess this issue than this service.
- Mr E points to having issues with his banking security. HSBC has provided its records and I can see in 2009 Mr E rang it about security on his telephone banking. Mr E's statements were apparently printed from the internet banking facility. So I'm not persuaded his telephone banking issues were related to the internet banking security issues he says he had from what I have seen. From the HSBC record of the call Mr E said his telephone issues had been going on for nine months-so it is unclear to me why Mr E didn't take action sooner about this considering its importance.
- Mr E says HSBC didn't help him. However from its records I can see when he rang HSBC it provided him with guidance how to proceed and to maintain security.

- Mr E makes many comments about the conduct of the third party. From what he says such conduct would be more appropriate for the police or the courts to consider. I can only consider what HSBC did.
- Even if the third party gained Mr E's security number and password from Mr E that doesn't necessarily mean HSBC has done something wrong. Mr E had a responsibility to keep that information to himself.
- Lastly I should add that it seems Mr E has been involved in significant court proceedings surrounding the issues to which he refers. I think it likely that the actions of the third party were considered by the court during the proceedings which have already happened. Such proceedings have significantly more powers to review and test evidence than this service does. It also seems that Mr E has referred the third party's actions to the Police. It is not for this service to review the decisions of courts or to decide to stand in the shoes of the courts or indeed the police.

So all in all I'm not persuaded HSBC has done anything fundamentally wrong here. As consequence I'm not persuaded that it should take any remedial action and the complaint does not succeed.

My final decision

For the reasons I have explained, while I appreciate this may be a disappointment to Mr E, my final decision is that I do not uphold this complaint against HSBC Bank Plc.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr E to let me know whether he accepts or rejects my decision before 8 February 2016.

Rod Glyn-Thomas
ombudsman