

complaint

Mr H is unhappy that National Westminster Bank Plc has recorded information about him that's preventing him from getting a bank account and credit.

background

Mr H says that in January 2012 he was the victim of a fraud. He left his bag on a bus. And it was taken by a fraudster. In that bag was his debit card, some letters (including a letter with his PIN written on it), his passport and other items. This allowed a fraudster to deposit two cheques into his account, access his account (by setting up and using internet banking), and withdraw money using his debit card. The money was taken from his account before the cheques cleared. The cheques bounced leaving his account overdrawn by £13,411.

Mr H says he was only 17 at the time. Because of his age, NatWest decided to write-off the debt. But it recorded information with CIFAS (Credit Industry Fraud Avoidance System).

Our adjudicator thought it was likely that the information NatWest recorded has affected Mr H's ability to get a bank account and credit. He said that a bank should only record information with CIFAS if it has reasonable justification for doing so. But he thought NatWest was justified when it did this.

Our adjudicator said that before the cheques were deposited, someone credited £5 into Mr H's account. This was later transferred out of his account using online banking. Mr H says he didn't set up online banking. But our adjudicator didn't think it was clear why an unknown third party would do this if they didn't know they would get their money back. If such a person had wanted to see if Mr H's debit card was valid, it would've been easier to use a cash machine to check the balance of Mr H's account.

Our adjudicator also said that when internet banking is set up, NatWest would've sent Mr H information and a card reader to his home. Mr H says received the card reader.- he thought this was simply part of the bank's service. But he didn't receive the two letters NatWest sent - one with a customer number and another with an activation code. Both of these would've been needed to access online banking. Our adjudicator thought it was difficult to understand how someone could've known what Mr H's customer number and activation code were without these letters. And the fraudster would've had to intercept both these letters that were sent to his home.

Mr H asked for his case to be reviewed.

my findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint. And I agree with what the adjudicator has said.

I appreciate that Mr H is clear that he wasn't involved in the fraud. He doesn't agree that the fraudster would've needed access to his home to get the customer number and activation code required to access his online banking. He thinks the fraudster could've done this by looking at his phone. But I've seen nothing to indicate that these details were sent by text as Mr H has suggested. And in any event it's not clear how the fraudster could've had accessed Mr H's phone – he hasn't told us it was lost or stolen at the time.

So I can see why NatWest has taken the action it has. Mr H has asked me to take into account the fact that he was still a child in 2012. But that doesn't mean that NatWest acted unfairly when it recorded information on the CIFAS database.

Taking the matter as a whole, I don't think it would be fair for me to require NatWest to remove the information. I appreciate that my decision will come as a great frustration and disappointment to Mr H. But for the reasons set out above, I don't uphold this complaint.

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 H to accept or reject my decision before 30 October 2015.

Laura Forster
ombudsman