

complaint

Mr L complains that National Westminster Bank Plc will not refund a series of disputed transactions made from his account.

background

Mr L held accounts with NatWest. He agrees that he opened a current account and a savings account, but says that three other accounts opened at NatWest in his name and address were nothing to do with him.

Mr L had a debit card for his current account, which he says must have gone missing shortly after he had used it at a fast food outlet. The disputed transactions began around ten days later.

The disputed transactions were made by means of the debit card and online banking. They were funded by cheque deposits which were later reversed, as the cheques were found to be fraudulent. Mr L says he did not pay the cheques into his account, and that whoever did must have discovered his account number and sort code from the stolen debit card.

Mr L's current account was left overdrawn, and he considers that he should not be held liable for this debt as he was a victim of identity theft. NatWest did not agree with Mr L and would not refund the disputed transactions. It also closed his accounts.

Mr L brought his complaint to this service, where it was investigated by an adjudicator. The adjudicator obtained information from Mr L and from NatWest. This included technical information about the transactions. From the overall evidence, the adjudicator did not consider that Mr L's complaint should succeed.

Mr L did not agree with the adjudicator's conclusions and said, in summary:

- He has never tried to open up accounts online, as the adjudicator has claimed, and anyway it is not clear what that would prove.
- If his account was viewed online a lot at the time of the disputed transactions, then that simply proves that whoever carried out the fraud was also monitoring his account remotely.
- He is certain that the account number and/or the sort code was shown on his NatWest debit card. That would have given the fraudster all the information they needed. Alternatively, someone could have broken into his house and got that information, or broken into NatWest's systems.
- He has never encountered the cheques that were paid into his account.
- The adjudicator's remarks about the timescale of the disputed transactions being unlikely are just an opinion, and can be challenged.

my findings

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

If I have understood Mr L correctly, he did not initially realise that his card was missing.

He believes that a third party stole his debit card and was then able to use the card (or the information on it) in order to:

- pay cheques into his current account;
- monitor the account through online banking to see when it was possible to draw on the cheques;
- make the disputed transactions; and
- apply for other accounts using his name and address.

But I am not persuaded that would have been possible. The information on the card did not include Mr L's account number, and would not explain how someone else was able to obtain the personal identification number ("PIN") for the card, or Mr L's online banking security password and PIN. It would also not explain how someone was able to obtain Mr L's address, and other personal information required for online account applications.

Mr L has not alleged any break-in at his home, nor have I seen any evidence that these various transactions were made possible by a compromise of NatWest's systems.

Overall, I have not found Mr L's evidence persuasive. I find, on a balance of probabilities, that NatWest is entitled (having regard to relevant law and regulations) to hold him liable for the disputed transactions.

my final decision

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

Jane Hingston
ombudsman