The complaint

Mr H complains about The Co-operative Bank Plc failing to reverse transactions and forcing overdrafts on him. Also, not providing him with statements on the accounts he held with them.

What happened

Mr H says he held several different accounts with Co-op a number of years ago.

Mr H is in a difficult situation. He says Co-op failed to reverse transactions and forced overdrafts on him. But without the statements, he can't provide information for these allegations to be investigated.

Mr H requested Co-op send him statements for all the accounts he held. However, because of their data retention policy which means they only keep records for up to seven years, Co-op don't have any statements for Mr H's closed accounts.

After complaining to Co-op Mr H escalated his complaint to our service. Regarding their inability to send him statements, he believes Co-op have disobeyed him and their failure to provide him with the information he needs is unjust and illegal.

Our investigator said banks aren't obliged to hold statement records for longer than seven years and there is insufficient evidence to say that Co-op have done anything wrong.

As Mr H remains dissatisfied, this case has now been referred to me to look at.

What I've decided – and why

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'm not upholding this complaint and I'll explain why.

I should first explain that our service can't interrogate business systems or tell a business to find data they say they don't have. Also, we can't tell a business to alter their policies, procedures or systems, including the data and information they retain. I say this because we aren't the regulator of the financial services industry and businesses can make commercial decisions. In addition, our service doesn't have the power to issue fines or penalties for complaints about data retention, but complainants can refer allegations of breaches to the Information Commissioner's Office (ICO).

I have empathy for Mr H's situation. He believes he's been treated unfairly and needs information from historic statements for his allegations to be looked at. Yet, because the accounts were closed a number of years ago and Co-op don't keep statements for more than seven years these can't be provided to him.

I have reviewed Co-op's file notes and internal screen shots of the searches they've carried out and I'm satisfied that Co-op have taken Mr H's requests seriously but just can't generate the information he requires.

Banks don't keep hold of information forever and Co-op's policy is adopted by many businesses as they aren't supposed to hang on to information that they don't have a business need for. There has to be a policy for deleting/destroying data and that necessarily means there needs to be a cut off period. I appreciate Mr H disagrees with Co-op's policy, thinks it should be twenty years and that they must have back up data or records in storage, but I'm satisfied Co-op no longer have any information and have acted in line with their data retention policy.

So, although the lack of statements is problematic and frustrating for Mr H, I don't think it's unreasonable for Co-op to say that it doesn't have the bank statements for his accounts.

I appreciate that without the statements Mr H doesn't have information to show that Co-op failed to carry out reversals of transactions for faulty goods and services and forced him into authorised and unauthorised overdrafts. However, whilst I can understand Mr H's frustration in not being able to provide information to support these allegations, I'm unable to consider this part of his complaint without any evidence.

So, considering all the above, I'm not upholding this complaint.

My final decision

My final decision is that I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr H to accept or reject my decision before 20 January 2024.

Paul Douglas
Ombudsman