

## **The complaint**

Mrs D has complained Metro Bank PLC added a marker against her name to the industry fraud database, CIFAS, and closed his account.

## **What happened**

In 2023 Mrs D contacted Metro to query why they'd added a fraud-related marker about her to the industry database, CIFAS. This was following a payment she'd received into her account. This was for £605. Following that credit, £250 was taken out at a cash machine using the debit card for Mrs D's Metro account. Mrs D had said this wasn't her.

She'd been aware Metro had closed her account but hadn't known about the CIFAS marker.

As Metro knew the money into Mrs D's account had been recalled as the payment was the result of a scam, they felt the evidence they'd seen indicated Mrs D was aware of what had happened and been involved.

Mrs D brought her complaint to the ombudsman service. She also confirmed that the cash withdrawal had been made in London which she didn't go to.

Our investigator felt the evidence showing the cash withdrawal immediately after the fraudulent money went into Mrs D's account demonstrated her involvement. She wasn't going to ask Metro to do anything further.

Mrs D continued to protest. She's asked an ombudsman to consider her complaint.

## **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've reached the same outcome as our investigator. I'll explain why.

It is clear what the requirements are prior to lodging a marker. Specifically:

*"There must be reasonable grounds to believe that an identified fraud or financial crime has been committed or attempted.*

*The evidence must be clear, relevant and rigorous such that the member could confidently report the conduct of the subject to the police."*

So Metro must be able to provide clear evidence that a financial crime was being committed and Mrs D was involved.

I've seen the evidence about the funds paid into Mrs D's account. These were the result of someone being scammed. There's no doubt this money wasn't hers.

However within twenty minutes of the money being received, money was withdrawn at a

cash machine for nearly half the amount received into the account. Mrs D has said this couldn't have been her as she didn't go to London, but this doesn't match up with the other information I've seen about Mrs D's account.

There are other times when Mrs D's debit card is used for transport in London other than the date of the disputed credit and cash withdrawal.

Mrs D has told us she barely used her Metro account, but I've seen records of the transactions on this account as well as records of her phone conversations with Metro so don't believe this was the case. She's also admitted making a transfer into her Metro account just the day before the disputed credit.

Mrs D has denied anyone else having access to her debit card so I can't see how anyone other than her could have noted the credit into her account (which was early in the morning) and then make the cash withdrawal of £250, also early in the morning.

Overall I'm satisfied that Metro had sufficient evidence to lodge the CIFAS marker and close Mrs D's account.

### **My final decision**

For the reasons given, my final decision is not to uphold Mrs D's complaint against Metro Bank PLC.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs D to accept or reject my decision before 1 November 2023.

Sandra Quinn  
**Ombudsman**