

The complaint

Miss K complains HSBC UK Bank Plc allowed transactions that she didn't carry out to take her significantly over her overdraft limit and that it has refused to refund her. Miss K also complains HSBC UK Bank Plc closed her account without warning and a third party is chasing her for the money HSBC UK Bank Plc says she owes.

What happened

Miss K had an account with HSBC with a debit and a credit card.

Miss K says she noticed her account had gone significantly over her overdraft limit when she obtained a statement at an HSBC branch. She says she subsequently reported over 200 transactions – all of which had been carried out abroad – to HSBC as fraudulent. HSBC investigated Miss K's claim and said that it wasn't going to uphold it. Miss K complained.

HSBC looked into Miss K's complaint and, having done so, said it didn't think it had made a mistake when it said it wasn't going to refund her. HSBC also said that it was going to close Miss K's account.

Miss K complained to us saying she'd not been abroad, that she had no idea how the transactions had been done and that HSBC shouldn't have allowed her account to go over her overdraft limit. Miss K also said that HSBC should have been protecting her account.

One of our investigators looked into Miss K's complaint and said that they didn't think HSBC had acted unfairly or unreasonably and so they weren't going to uphold this complaint. As Miss K was unhappy with our investigator's recommendation, her complaint was referred to an ombudsman for a decision. As a result, I've looked into 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.

I'm satisfied that the transactions Miss K is disputing have all been carried out using a digital payment service and that the transactions have been spread across two different cards. I'm also satisfied that the transactions took place over a significant period of time, were for small amounts and all took place in a country linked to Miss K. In the circumstances, I agree with our investigator that I don't think it was unfair or unreasonable of HSBC to hold Miss K liable for them on the basis that it's more likely than not that she shared her account details. I can understand too why she's unhappy HSBC allowed her to go over her overdraft limit. But in this case, that's not enough on its own to say that HSBC acted unfairly when it said it wasn't going to refund her.

I can see that HSBC has also now closed Miss K's account. I'm satisfied that HSBC did so in line with the account's terms and conditions. In the circumstances, I'm not going to ask HSBC to do more here.

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 Miss K to accept or reject my decision before 15 August 2023.

Nicolas Atkinson **Ombudsman**