

## Complaint

Miss A is unhappy that Revolut Ltd loaded a Cifas marker against her name.

## Background

Miss A had an account with Revolut. On 12 May 2022, £999.74 was deposited into that account. Three minutes later, those funds were transferred to a third party. On 24 May, the person who'd made that initial deposit alleged that they'd fallen victim to a scam. Miss A says she doesn't know either the person who deposited the funds into her account or the person they were sent to. She says she has had no involvement in making these payments. She says that someone has managed to take control of her account and make the payments without her knowledge or consent.

Revolut looked into things and decided to close Miss A's account and load a Cifas marker against her name. Miss A was unhappy with that and so she brought her complaint to this service. It was looked at by an Adjudicator who didn't uphold it. The Adjudicator thought the evidence suggests it was most likely Miss A had some involvement in the transfer of those funds and so Revolut hadn't acted unreasonably by loading the Cifas marker.

Miss A didn't agree with the Adjudicator's opinion and so the complaint has been passed to me to consider and come to a final decision.

## Findings

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

The question I must consider here is whether Revolut acted fairly and reasonably in loading a marker with Cifas. The National Fraud Database Principles set a high standard that a firm must meet if it wants to load adverse information against a customer's name. It says that in order to do so:

*"There must be reasonable grounds to believe that an identified fraud or financial crime has been committed or attempted ... [and] ... The evidence must be clear, relevant and rigorous such that the member could confidently report the conduct of the subject to the police."*

The onus is on Revolut to demonstrate that this standard has been met. I've considered the evidence provided by both sides and I'm satisfied that it has done so here

On 12 May 2022, Miss A's account received fraudulent funds and was then used to transfer them on to another account. The key question therefore is whether this was done with her involvement.

Revolut has provided us with evidence that shows that each device used to manager Miss A's account is assigned a unique identifying code. This shows that the device that was used to move those funds was the same one used by Miss A to create her account and that,

during the relevant period, there was no other device controlling the account. Its records also show that the outbound payments were authorised by way of a 'one-time passcode' (OTP) which was sent to the phone number associated with the account. There's no indication that the phone number changed from the one that was associated with the account on the date it was opened, so it's more likely than not that the code was sent to Miss A's phone.

Miss A hasn't been able to explain how a third-party could've taken possession of her phone and known the security credentials for both the phone and her Revolut app. She's said that some of her close friends would know the passcode for her phone, but she hasn't been able to explain how any of them could've used her phone on 12 May 2022 without her knowing.

I know that Miss A insists that she wasn't responsible for this account activity. However, I have to decide the case based on the available evidence. And that evidence suggests it's more likely than not that Miss A was involved in moving fraudulent funds through her account. In view of that, I think it's reasonable for Revolut to have loaded a Cifas marker.

### **Final decision**

For the reasons I've explained above, I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss A to accept or reject my decision before 12 January 2024.

James Kimmitt  
**Ombudsman**