

The complaint

Mr and Mrs O complain Bank of Ireland (UK) Plc cannot find their account and will not pay them the outstanding balance shown on a passbook which has not been used since 1999.

What happened

The circumstances that led to the complaint are well known by both parties, so I won't repeat them in detail, but in summary:

Mr and Mrs O found a joint savings account passbook in their names. They visited a branch of Bank of Ireland to close the account and take out the money.

Bank of Ireland were unable to find the account and advised Mr and Mrs O to contact its customer service department. Mr and Mrs O raised a complaint and received a final response.

Bank of Ireland said the account was not held on any of its systems, which indicated it had been closed over seven years ago. Bank of Ireland explained it can only store customer data for seven years in accordance with data protection rules. It also explained it had undertaken an extensive search of its archive records, but was unable to find the account.

Bank of Ireland concluded the account had probably been closed and a cheque sent out to the address on file over seven years ago.

Mr and Mrs O believe Bank of Ireland should have stored the account as a dormant account or transferred it to its computer system, and therefore referred their complaint to our service.

Our investigator said Bank of Ireland were correct in saying it did not have to keep records beyond seven years and thought it had done enough by searching its systems. Our Investigator didn't think Bank of Ireland needed to take further action.

Mr and Mrs O explained they were unhappy with our investigator's recommendation, asking for Bank of Ireland to provide proof it had paid them this money and to explain why they were still in possession of an original passbook if the funds were not owed to them.

As Mr and Mrs O rejected our investigator's recommendation, the complaint has been passed to me to make a final decision.

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.

Where evidence is incomplete, inconclusive or contradictory, I have to make decisions on the balance of probabilities – that is, what I consider is more likely than not to have happened in light of the available evidence and the wider surrounding circumstances.

I understand Mr and Mrs O have a passbook which shows an outstanding balance on a savings account with Bank of Ireland from 24 years ago. Mr and Mrs O believe the money shown in the passbook is owed to them.

Passbooks are not, in themselves, evidence of funds. Transactions often happened which were not recorded on passbooks. For example, passbooks can be lost and found at a later date. Account holders are entitled to access their money, so many organisations allowed withdrawals without passbooks or closed or converted these accounts without taking the passbook back off the customer.

Passbooks can therefore only be considered as a 'snap-shot' in time for the date they were last completed and not evidence of current funds.

I appreciate the comments made by Mr and Mrs O concerning the evidence they have, I also appreciate Bank of Ireland has not provided evidence the account was closed and funds withdrawn by cheque, as it has claimed is likely. However, I am satisfied Bank of Ireland has taken reasonable steps to locate the account.

Financial businesses aren't required to keep records indefinitely. Because of the amount of time that has passed, I think it would be unlikely Bank of Ireland would be able to produce evidence of a withdrawal or account closure. For these reasons I do not find it unreasonable Bank of Ireland have not been able to provide evidence.

Based on the time frames involved, the arguments given, the evidence presented and the points I have made above, I don't think on the balance of probabilities, there's enough evidence to instruct Bank of Ireland to pay the funds showing on the passbook.

I appreciate this will be disappointing to Mr and Mrs O, but from what I have seen I cannot uphold their complaint.

My final decision

For the reasons I have given, it is my final decision this complaint is not upheld.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr and Mrs O to accept or reject my decision before 11 April 2024.

Gareth Jones
Ombudsman