

The complaint

Miss R complains that Santander UK Plc won't refund a series of card payments made from her account to an online gambling firm. She says she neither made nor authorised those payments.

What happened

Over the course of around 15 hours in January 2020 fifteen card payments totalling over £1,100 were made from Miss R's current account with Santander. There were also transfers made between Miss R's accounts.

Miss R contacted Santander to say she hadn't made any of the payments and to seek a refund. Santander looked into what had happened but concluded that Miss R must have made the payments herself. It noted that the correct card details had been used and that at least some of the payments had been the subject of 3D verification through the card scheme, Visa.

Santander also noted that its mobile banking app had been accessed at around the same time and from Miss R's mobile phone. She'd used the gambling site before.

Santander didn't agree to a refund and referred the matter to this service, where one of our investigators considered it. He too concluded that it was more likely than not that Miss R had been responsible for the transactions she was disputing and didn't recommend that Santander refund them. Miss R didn't accept the investigator's view and asked that an ombudsman review the case.

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, however, I've reached the same overall conclusions as the investigator did, and for similar reasons.

All the payments were made using Miss R's card details, rather than the card itself. It's possible of course that someone could have obtained those details without Miss R knowing, and I note that her card didn't go missing. But I don't believe that's what happened here.

In addition to the card details (such as the card number, CVV code and expiry date), some of the payments at least were subject to 3D verification. That is, additional checks were carried out, so the payments didn't rely solely on the card details matching. Santander says, and I accept, that those checks included requiring its mobile banking app to be accessed. Santander's own systems would have identified that happening to confirm payments were genuine.

The only person who could have accessed Miss R's accounts through the mobile app was Miss R herself. The bank's records show that the device used to open the app was the same phone that Miss R later used to contact it about the payments. Whilst she says her children

sometimes use her phone, it's secured by facial recognition or a passcode; additional security is needed to open the banking app. Miss R has confirmed that her phone wasn't missing.

Miss R says that Santander acknowledged that it had sent a one time passcode to an old phone number, and that someone else might have received it. I can see that there was some confusion about this when Miss R discussed the incident with Santander - which says that didn't happen. I note however that the phone number linked to the account was changed shortly before the disputed transactions - at Miss R's request. It's unlikely that an old number would have been used once the new one was linked to the account. But even if it had been, I think it's most unlikely that the new owner of the number would have responded to confirm a transaction.

Santander noted too that Miss R had made payments to the same gambling firm in the past and that access to the mobile app had been made using an IP address that Miss R had used in the past. I don't regard either of those matters as particularly persuasive in themselves, but combined with the other matters I've mentioned, they are relevant.

For these reasons, I think that the most likely explanation here is that Miss R carried out the transactions herself. In the circumstances, it wouldn't be fair to require Santander to refund them.

My final decision

My final decision is that I don't require Santander UK Plc to take any further steps to resolve Miss R's complaint. Under the rules of the Financial Ombudsman Service, I'm required to ask Miss R to accept or reject my decision before 1 July 2020.

Mike Ingram
Ombudsman