

The complaint

Miss H is unhappy National Westminster Bank Plc (NatWest) didn't reimburse her after she said she was the victim of fraud.

What happened

Miss H has disputed over 30 transactions that left her NatWest current account in March 2015, totalling more than £2,500. Miss H told NatWest that she didn't make the transactions and asked it to refund the money.

NatWest investigated Miss H's claim for the first time in 2015 and then again in 2020, but refused to refund the payment on both occasions. In its most recent correspondence, the bank said it believed the disputed transactions were either made or authorised by Miss H, and in either scenario, it didn't have to refund the money.

Unhappy with NatWest's response, Miss H brought her complaint to our service. Our investigator didn't uphold the complaint as she felt Miss H authorised the transactions. Miss H remained unhappy, so the complaint has been passed to me to decide.

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.

Generally speaking, NatWest can hold Miss H responsible for the disputed transactions if the evidence suggests it's more likely than not she made, or otherwise authorised, them.

Due to the time that's passed since the disputed transactions occurred, NatWest no longer holds the audit trail I'd usually expect to see which would show how the transactions were made. However, from the evidence we do have, it seems more likely they were all 'card not present' transactions made to an online merchant. This means Miss H's card details were provided in order for the payment to be processed – this usually includes the 16 digit card number, expiry date and CVV number.

But that alone isn't enough for NatWest to hold Miss H liable. I also need to think about whether the evidence suggests it's more likely than not that she actually consented to the transactions being made. Having carefully considered all evidence available for this complaint, I'm satisfied that it's more likely than not she did. I say this because:

- Miss H's main concern seems to be that she hasn't been able to find out where the disputed transactions ended up. She, and we, have contacted some online gambling companies who have been unable to locate either the transactions or an account held in Miss H's name. But that's not surprising considering the transactions took place a number of years ago. And the lack of evidence from the gambling companies isn't enough for me to conclude that the disputed transactions weren't authorised by Miss H. The name that appears on her bank statements for these particular transactions seems to be for an internet transactions processor that acts for a number of gambling websites

and it's not now possible to ascertain where the money ended up, given the time that has passed.. But I note the disputed transactions took place over several days and I think it's highly unlikely whoever was paying the money via the internet transactions processor would have kept sending money (30 plus transactions in all) if the payments hadn't been arriving at their intended destination.

- Miss H was in frequent contact with NatWest, before and after she disputed this particular set of transactions, to raise a number of other fraud claims for transactions of a similar nature. I think this suggests Miss H was regularly monitoring her account. Her bank statements from the time also show a regular payment to a debt collections company. I think this suggests Miss H was experiencing, or still recovering from, some financial difficulties. With both these things in mind, I find it difficult to understand why Miss H didn't notice over £2,500 leaving her account without her authority, and/or report this set of disputed transactions for six months.
- NatWest's records suggest it issued Miss H with a replacement debit card every time she reported fraudulent activity on her account. For someone who had so many concerns about unauthorised transactions debiting her account, over a number of cards, I would've expected Miss H to be extra vigilant when it came to using her debit card for online payments and also monitoring her account activity. Again, this makes me wonder why she didn't report this set of disputed transactions sooner.
- Most of Miss H's other fraud claims related to transactions of a similar nature – to online gambling companies. I think it's unlikely an opportunistic third party would use Miss H's card details in this way, as and there was no guarantee the bets would win and any winnings would be paid back to the card details used to place the bets.
- Miss H told our investigator that she never allowed a third party to use her card details. And she's offered no point of compromise to explain how someone else was able to obtain her card details in order to carry out the transactions. I accept it's possible an unknown third party could've obtained Miss H's card details without her knowledge, for example through online hacking. But when I consider the number of cards Miss H has said were compromised and taking everything else into account, I don't think this is the most likely scenario.

On balance, taking all of the available evidence into account, and for the reasons mentioned above, I consider it's more likely than not the transactions were carried out by Miss H. It follows that NatWest is entitled to hold her responsible and I cannot fairly instruct the bank to refund any of the money.

My final decision

My final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss H to accept or reject my decision before 2 November 2021.

Ruth Hersey
Ombudsman