



## **The complaint**

Miss S complains Santander UK PLC (Santander) refused to refund transactions on her account which she says she didn't make.

## **What happened**

The facts of this complaint are well known to both parties, so I will not repeat these in detail.

In summary, Miss S says she is not responsible for several transactions on her Santander account that were made via ApplePay. Miss S says she has never used ApplePay.

Santander says that a One Time Passcode (OTP) was sent to the phone number Miss S is still using to register the ApplePay account. Also, Santander say one of the disputed transactions were made to an account in Miss S' name with another provider. So, they think it's more likely Miss S knew about the payments and authorised them herself.

Our investigator considered all the evidence and didn't uphold the complaint. Miss S was not happy with this, so the complaint has been to me for 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.

Generally speaking, Santander are required to refund any unauthorised payments made from Miss S' account. Those rules are set out in the Payment Service Regulations 2009/2017. Miss S has said she didn't carry out the transactions in dispute, but Santander says she did. So, I have to give my view on what I think it is more likely considering all the evidence provided

Miss S has told us that she has never had ApplePay nor has she made any of the payments made via ApplePay. She also said that she has never given anyone any passcodes that may have been sent to her phone. However, Santander have provided screenshots to show that an OTP was sent to Miss S' phone number when the ApplePay account was registered in July 2023. Setting up ApplePay would not have been possible without the OTP that was sent to Miss S. Our investigator set this out in her outcome and Miss S has not responded with any explanation about how this could've happened. So, the most likely explanation is that Miss S did this herself or gave someone else permission to do so.

Santander have also provided evidence to show there have been many transactions via ApplePay, dating back to February 2023. So, these transactions would've shown up on her monthly statements which she received via post. Miss S is now saying that these transactions weren't carried out by her either, but I think had she not authorised these earlier payments she would've raised this with Santander when she first received the statements.

Santander have provided evidence that one of the disputed transactions went into an account in her name with another provider. This is not the type of transaction we would

expect to see of a fraudster. Furthermore, the transactions made on her account are sparser and of lower value than we typically see of fraud transactions. This adds more weight to the likelihood of these transactions being made or authorised by Miss S.

I know this outcome will come as a disappointment to Miss S, but based on everything I've seen it seems likely that these transactions were authorised by Miss S.

### **My final decision**

I am not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss M to accept or reject my decision before 15 February 2024.

Sienna Mahboobani  
**Ombudsman**