

The complaint

Ms S says Santander UK PLC failed to refund her for transactions on her account she says she didn't make.

What happened

Ms S says several transactions were made on her account between 4 December 2023 and 12 December 2023 which she says she didn't authorise. Ms S says she has complained to Santander, and they've refused to refund these transactions.

Santander say the transactions in dispute were all completed via Google Pay. They say in registering the Google Pay account her card details would've been entered, including her CVV, and a One-Time passcode (OTP) was sent to Ms S' phone number. Only after entering the OTP would the Google Pay account have been set up. And as Ms S has not provided any evidence that her device or debit card details had been compromised, Santander say it's more likely than not that Ms S did this herself.

Our investigator considered this complaint and decided not to uphold it. Ms S was not happy with this outcome, so the complaint has been passed to me to consider.

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 Ms S' account. Those rules are set out in the Payment Service Regulations 2009/2017. Ms S 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.

Ms S has told us that she has an Apple phone, not an Android phone, so she could not have made any of the payments made via Google Pay. 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 Ms S' phone number to register the Google Pay account. Setting up Google Pay would not have been possible without the OTP that was sent to Ms S's phone. Our investigator set this out in her outcome and Ms S has not responded with any explanation about how this could've happened. She has not told us about her device being compromised in any way or provided any evidence of how someone would've been able to get the OTP from her phone. So, the most likely explanation is that Ms S did this herself or gave someone else permission to do so.

In order to add Ms S' debit card to Google Pay Ms S' full debit card details would need to be entered when setting it up. But Ms S has told us that she has her card with her, and she has not given any explanation about how these details could've been compromised either. This adds weight to the likelihood of these transactions being authorised by Ms S.

I've considered what Ms S and her representative have said about undisputed transactions being carried out with ApplePay and the disputed transactions being carried out by Google Pay. And Ms S' evidence is that she has an Apple phone and not an Android phone, so she couldn't have made these payments herself. But it is possible that Ms S has more than one phone, or that she gave permission for someone with an Android phone to carry out these transactions on her behalf. Either way, this does not persuade me that Ms S didn't authorise these transactions in the face of more persuasive evidence suggesting she did.

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

My final decision

I am not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms S to accept or reject my decision before 19 February 2024.

Sienna Mahboobani
Ombudsman