

The complaint

Mr C says TSB Bank PLC ("TSB") refuses to refund him for transactions on his account he says he wasn't responsible for.

What happened

Mr C says he noticed transactions on his debit and credit card accounts between 14 October 2022 and 18 October 2022 which he didn't make or authorise. Mr C says he has evidence his cards were stolen from his letterbox, and he thinks the thief figured out his PIN from the numbers relating to a family members date of birth. So, Mr C says he shouldn't be held responsible for the transactions in dispute.

TSB investigated Mr C's complaint but ultimately held him responsible. TSB says it sent Mr C a new debit card on 28 September 2022, which it agrees could have been intercepted. However, it says it hadn't issued a new credit card and even Mr C confirmed that he had the credit card in his possession at the time of reporting the disputed transactions. TSB also says there is no persuasive evidence of how Mr C's PIN was compromised, so it thinks its likely Mr C made these transactions himself on both the credit and debit cards.

Our investigator considered this complaint and decided not to uphold it. Mr C disagreed, 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, TSB is required to refund any unauthorised payments made from Mr C's account. Those rules are set out in the Payment Service Regulations 2017. Mr C has said he didn't carry out the transactions in dispute. I have considered everything both parties have provided, including all the latest evidence supplied by Mr C to decide on whether I think it's more likely that not that Mr C authorised the transactions.

All the transactions in dispute, except for one, were made using Mr C's genuine card and PIN. This means both of Mr C's cards and PIN were needed to make these transactions. Mr C claims he didn't receive the replacement debit card he was sent, and he thinks this was intercepted in the post. Mr C said he had CCTV evidence of his letterbox being interfered with but at the time of writing I've not been provided this. So, I am only able to rely on what Mr C has said. TSB says it didn't issue Mr C a replacement credit card, only a debit card. In which case there would be no credit card in the post to intercept and Mr C told TSB he had his credit card in his possession when he complained about these transactions. I accept it is possible Mr C's replacement debit card could've been taken from his letterbox, however, this doesn't explain how someone else had Mr C's credit card.

In order to carry out these transactions Mr C's PIN would also have been needed. TSB confirmed that the PIN for his debit card wasn't sent out with the replacement card as it wasn't changed. TSB also says there is no record of a replacement PIN being ordered or a

PIN change. And without a plausible explanation about how someone else could've had Mr C's PIN, it would be more likely Mr C had carried out these transactions himself.

Mr C has provided an explanation as to how he thinks someone else could've had his PIN. One transaction in dispute was an online transaction to a company which I understand to provide information about a person's family tree. Mr C says he thinks this was used by the fraudster to figure out his PIN – which was a combination of a family members date of birth. But this transaction was made online on 17 October 2022, which is after the first disputed transactions on both cards were made using the correct PIN. It is possible that someone else had gained enough information about Mr C to have an idea what his PIN might be, but I think it's unlikely someone else would've been able to guess it from so many possible combinations. So, it follows then that I think it's more likely that Mr C made these transactions himself with the genuine card and PIN.

I've seen from the transaction history that there were undisputed transactions made using his debit and credit card before and during the transactions in dispute. I've also seen the online banking history for Mr C's online banking account, and I've seen that he logged into his account before, during and after the disputed transactions. So, it's clear Mr C was using his debit and credit cards for genuine spending and had sight of his account transactions throughout this period. Mr C only complained about these transactions on 19 October 2023, after the transactions were made. But had he not been responsible for these I think it's likely he would've complained to TSB on 14 October 2023 when he logged onto his online banking just after the first disputed transaction.

Considering all the evidence supplied, I do not intent to call Mr C a liar or a fraudster. My role as an independent party is to consider the evidence supplied by both parties and reach a decision on what I think is more likely to have happened. And although I know this outcome will come as a disappointment to Mr C, based on the evidence I've seen I think it's more likely these transactions were made by Mr C.

My final decision

For all the reasons above, I am not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 18 October 2024.

Sienna Mahboobani
Ombudsman