

The complaint

Mr D has complained PrePay Technologies Limited won't refund four transactions he didn't authorise.

What happened

Having used his card with Monese, Mr D noticed the balance on his account was incorrect. He asked PrePay Technologies what had gone wrong. They explained he'd made four transactions using his card details registered with GooglePay.

Mr D didn't believe he'd made these transactions himself. He brought his complaint to the ombudsman service.

Our investigator reviewed the evidence which she believed showed GooglePay had been set up on another device. She found it difficult that there was any other explanation other than Mr D must have provided his consent to these transactions based on the level of data that had to have been known.

Mr D remained unhappy with this outcome and has asked an ombudsman to consider his complaint.

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, I've reached the same outcome as our investigator. I'll explain why.

Where there is a dispute about what happened, I have based my decision on the balance of probabilities. In other words, on what I consider is most likely to have happened in the light of the evidence.

When considering what is fair and reasonable, I'm required to take into account: relevant law and regulations; regulators' rules, guidance and standards; codes of practice; and, where appropriate, what I consider to have been good industry practice at the relevant time.

The regulations which are relevant to Mr D's complaint are the Payment Services Regulations 2017 (PSRs). These primarily require banks and financial institutions to refund customers if they didn't make or authorise payments themselves. Other factors do apply but nothing else specific in Mr D's case.

So to help me decide what happened, I've looked at the detailed evidence of the transactions, as well as what PrePay and Mr D have told us.

Overall I believe the evidence shows Mr D did authorise the disputed transactions. I say this because:

- These transactions were authorised using a different device than the one Mr D

normally uses. However GooglePay was set up four days before the first disputed transaction took place. It would be unusual – but not unknown – for an unknown third party to set up GooglePay and then not activate its use for a further four days.

- Mr D had used GooglePay previously as this was set up on the device he normally used. So he'll be aware that to set this up, a third party, unknown to Mr D, would have had to access Mr D's card details (including the three-digit CVV), his phone number or email address and Mr D must have provided consent by giving away the code to set up GooglePay. I appreciate his strong denials about this but I find it difficult to see any other explanation.
- The four disputed transactions were to an online marketplace, based overseas.

Mr D may well dispute his authorisation of these transactions but in line with the basis under which I'm obliged to consider his complaint, I believe there's sufficient evidence to show Mr D authorised these.

It's not my role to decide how a device and details are compromised. However I do have to decide there are sufficient circumstances that explain how that compromise could have happened or not. In this case I can't see how this could have occurred.

Therefore I won't be asking PrePay to do anything further.

My final decision

For the reasons given, my final decision is not to uphold Mr D's complaint against PrePay Technologies Limited.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr D to accept or reject my decision before 11 March 2024.

Sandra Quinn
Ombudsman