

## **The complaint**

Mrs G has complained that Pockit Limited won't refund transactions which she says she didn't make or otherwise authorise.

## **What happened**

In March 2024, Mrs G registered an Apple Pay token on her phone. She used this token for genuine spending, including at an online marketplace. That Apple Pay token was also used to make several other purchases at the same online marketplace, which Mrs G says was not authorised by her.

Mrs G explained that her card was still with her and didn't go missing. She didn't give out her details. Her device was protected by a passcode and no one else had access to it. She'd never given her security details or codes to anyone, and her Apple Pay was secured using facial recognition. She only lived with her partner and no one she knew could've done this.

Pockit held Mrs G liable for the payments in dispute, on the basis that they'd been made using the Apple Pay token she'd registered on her device, and there didn't seem to be any plausible way someone could've done this without Mrs G's consent.

Our Investigator looked into things independently and didn't uphold the complaint. Mrs G asked for an ombudsman's final decision, so the complaint's 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.

Broadly speaking, Pockit can hold Mrs G liable for the payments in dispute if the evidence suggests that she authorised them.

I'm satisfied from Pockit's technical evidence that the payments in dispute were made using Mrs G's Apple Pay token. Mrs G confirmed that she set up this Apple Pay token herself; and I can see that she did so, as it was set up using her correct card details, on her usual device, at her usual IP address, and she sent us a screenshot of her text messages showing she got the code to set it up. These read *"To activate Apple Pay, open the Wallet app, tap your card and enter [code]"*, then *"Your card is now enabled for Apple Pay. You can use it wherever you see the contactless symbol or Apple Pay mark"*. The technical data shows that she entered this code. Mrs G also used this Apple Pay token for genuine spending of hers.

In this case, it's not likely or plausible that a thief stole Mrs G's device and used her Apple Pay this way. I say this because Mrs G's device didn't go missing, no one else had access to it, and she still had it afterwards – I can see she was still using it to operate her Pockit account after the disputed payments. And it's not plausible a thief would give Mrs G's device back to her after. It's also unclear how a thief could've accessed the device, given it was protected by a passcode no one else knew. And I don't see a likely or plausible way that a thief could've otherwise accessed Mrs G's Pockit account or Apple Pay, given the need for the relevant security details and/or facial recognition there. I've not found any evidence that her account or token was used by anyone else or that the security was bypassed in any way.

So we can reasonably rule out that this was done by someone who Mrs G didn't know. And it seems that Mrs G has herself effectively ruled out the possibility that this was done by someone who she *did* know. Indeed, it's difficult to see how someone she knew could've used her device when no one else had access to it and it never went missing. And it's difficult to see how they could've learned all the relevant security details.

That leaves only one likely possibility – that Mrs G either authorised these payments or gave someone else permission to make them. This is a difficult message for me to give, and I know it's a difficult message for Mrs G to receive. But given the evidence at hand, and the balance of probabilities, I'm unable to reasonably reach any other conclusion.

I do appreciate that Mrs G would like us to look into the online marketplace. But this case is against Pockit, not the online marketplace. We do not have jurisdiction over the marketplace and neither do Pockit. And even if the marketplace confirmed that the goods were delivered to someone else, we still couldn't rule out the possibility that Mrs G had given that person her consent to use her Apple Pay. Which, as I set out above, is the only likely and plausible possibility I can see, given that the evidence otherwise shows that it's not likely or plausible that these payments were made without her consent.

So based on everything I've seen, I think it's fair for Pockit to decline a refund in this case.

### **My final decision**

For the reasons I've explained, I don't uphold Mrs G's complaint in this case.

This final decision marks the end of our service's consideration of the complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs G to accept or reject my decision before 21 April 2025.

Adam Charles  
**Ombudsman**