

## The complaint

Ms A complains that Barclays Bank UK PLC is holding her liable for transactions which she says she didn't authorise.

## What happened

Ms A held an account with Barclays. She went on holiday overseas between 31 October 2023 and 7 November 2023 and while she was away, she discovered 14 transactions from the account totalling £1,347.40 which she didn't recognise. All the transactions were made via Apple Pay at supermarkets in the UK on 4 November 2023.

She contacted Barclays as soon as she saw the transactions. She said she'd never spent such large amounts in a supermarket in one go, so the transactions were unusual. She told it she was away, she had left her debit card at home, and she hadn't been broken into. She said the phone was PIN protected and only she knew the code, her debit card details weren't saved on the phone or anywhere else, and she had no idea how someone could have known the passcode to unlock the phone. She also said she'd never used Apple Pay.

But Barclay refused to refund the transactions stating Ms A had paid the merchants before, there was no evidence of fraud, and it was unable to detect any third-party compromise. Ms A wasn't satisfied and so she complained to this service. She questioned how Barclays could determine the transactions weren't fraudulent and she argued that she has she has never spent such large amounts in such a short space of time, so the transactions should have been flagged.

She doesn't think Barclays properly investigated how the transactions were made in the absence of her debit card. She explained that she lost her phone on 25 October 2023, and it could only be accessed using a six-digit passcode that only she knew. In addition, the Barclays app was protected with a different passcode, and she had never registered for Apple Pay.

She said she hadn't given any details (either her card details or and passcodes) to any third-parties or received any unusual communications, and she doesn't recall receiving any text messages with a code. She said she wanted compensation for the effects on her mental health as she now suffers from anxiety.

Barclays said there was a credit into the account four days before the disputed transactions, Ms A had used the merchants previously, and there was no evidence of third-party access. It said the transactions were made using Apple Pay on the device which was already registered on the mobile app. It said the physical card wasn't required, and whoever had the phone must have known the passcode to access the phone. It explained the lost phone was last used on 24 October 2023 before being used to log into the app on 4 November 2023, and the disputed activity took place on the same day. Finally, it questioned why Ms A didn't report the stolen phone to the provider.

Our investigator didn't think the complaint should be upheld. She explained that for Apple Pay to be set up, the card details must be entered, and the customer must give approval for

the card to be added to the E-wallet. She noted that an Apple Pay token was set up on 4 November 2023, which would have required the full card details, and a text would have been sent to the phone number on file to ask Ms A to approve the Apple Pay set up.

She noted that someone unsuccessfully attempted to log in to the Barclays App using the phone on 4 November 2023, and that person must have known the passcode to have unlocked the phone. She felt it was likely that the phone received a code to approve the Apple Pay set up, and that someone would have needed access to the debit card details. And as she couldn't establish any points of compromise, she couldn't say it was likely that an unknown third-party had processed the transactions without Ms A's consent.

Finally, our investigator said she hadn't found any errors or poor service, explaining that Barclays couldn't have stopped the transactions while they were still pending. And we wouldn't expect Barclays to divulge full details of their fraud investigation systems and techniques as it may lead to tipping off. She agreed the final response letter should have included more detail, but didn't think that affected the overall outcome of the complaint.

Ms A has asked for her complaint to be reviewed by an Ombudsman. She maintains that the multiple payments in a matter of hours is unusual for her account, especially as Apple Pay was set up immediately before the transactions were processed. She's argued that there's no evidence of any messages having been sent for the approval of the Apple Pay set up and she has questioned why a later fraud claim was accepted.

### **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 conclusion as our investigator. And for largely the same reasons. I know Ms A feels strongly about this complaint, and this will come as a disappointment to her, so I'll explain why.

#### *Authorisation*

Authorisation has two limbs – authentication and consent. So, Barclays needs to show the transactions were authenticated as well as showing Ms A consented to them.

#### *Authentication*

Barclays has been able to show the transactions were made using Apple Pay on the mobile phone which Ms A says was lost in October 2023 using her – so I'm satisfied they were authenticated.

#### *Consent*

I accept Ms A was overseas when the transactions took place, so they must have been done by a third-party because they were made in the UK.

Barclays has shown that the transactions were made via Apple Pay using the phone that Ms A says she lost on 25 October 2023 (this was the same device that was registered to the Barclays app in 2021). It has explained that Apple Pay was set up on the device on 4 November 2023, and that whoever did this must have had access to Ms A's debit card details and been able to access the phone using the passcode to give approval for the card to be added to the E-wallet on the device.

Ms A has said that no-one knew the passcode to access her phone, but this is the only way a third-party could have accessed the phone to set up Apple Pay. And I don't accept that someone stole the phone, guessed the passcode, and somehow gained access to the debit card details.

To decide this complaint, I don't need to be certain about what happened, I just need to decide what I think is most likely to have happened and, having carefully considered the circumstances, I think it's most likely that the transactions were performed by a third party to whom Ms A had given consent to use her phone and card details to make the transactions. Because of this, I'm satisfied Barclays has shown that Ms A authorised the transactions and so I can't fairly ask it to refund the money.

Ms A has argued that Barclay's response to this complaint is inconsistent with the fact it refunded transactions from April 2024 which she disputed, but I don't consider the incidents are connected and so this is irrelevant to this complaint.

I've also considered whether Barclays should have intervened before the transactions were processed, and while I agree the payments were made in quick succession and that Apple Pay was set up shortly before, I don't agree this was particularly suspicious and the cumulative total of the transactions wasn't such that we would normally expect an intervention. So, I don't think Barclays needed to intervene.

Finally, she wants compensation distress and inconvenience caused by the events and while I agree with our investigator about the lack of detail in the final response letter, this hasn't affected the outcome of the complaint, so I don't think she is entitled to any compensation.

### **My final decision**

For the reasons I've outlined above, my final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms A to accept or reject my decision before 28 July 2025.

Carolyn Bonnell  
**Ombudsman**