

The complaint

Miss S says Barclays Bank UK PLC (“Barclays”) refuses to refund her for transactions on her account she says she didn’t authorise.

What happened

The facts of this complaint are well-known to both parties, so I won’t repeat them in detail here.

In summary, Miss S says she went to Turkey for an operation and while there, the staff in the hospital drugged her and used her card and phone to make unauthorised transactions on her account. She initially disputed two payments made on 9 August 2024 for £4,067.24 and £5,140.02. More recently she also raised a dispute for a payment of £400 made to the hospital on 3 June 2024. Miss S says Barclays should’ve blocked the higher transactions as suspicious and asked for further verification before allowing them to go through. As it failed to protect her account, she would like this money refunded.

Barclays says the transactions made on 9 August 2024 were both made using Miss S’s chip and PIN – and as it is Miss S’s responsibility to keep her card and security information safe it has held her responsible. It also says the payment of £400 made to the hospital was not disputed originally, and as it was a “push” payment, which needed to be initiated by Miss S, it says she it’s likely it was made by her.

Our investigator considered this complaint and decided not to uphold it. Ultimately, he felt that the evidence provided by both parties suggested the transactions were more likely than authorised. Miss S was not happy with this outcome, so the complaint has been passed to me for a decision.

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, Barclays is required to refund any unauthorised payments made from Miss S’s account. Those rules are set out in the Payment Service Regulations 2017. Miss S has said she didn’t carry out the transactions in dispute and she didn’t authorise Barclays to send this money. So, I have to give my view on whether I think Miss S did authorise the transactions or not.

Barclays has provided evidence to show the two transactions on 9 August 2024 were made using Miss S’s genuine card chip and PIN. This means whoever made these transactions had possession of Miss S’s card and also had knowledge of her PIN. As a PIN is considered as vital security information about the account, the terms and conditions state this should not be shared or written down. The onus is on Miss S to keep this information safe.

Miss S says she was drugged by the hospital staff, and they took her card and phone from her. I’ve considered what Miss S has told us about these events, and I am sorry to hear of

the experience she encountered. What she has detailed in her testimony provides an explanation as to how a third party got hold of her card. However, I have to consider that even if Miss S's card was taken from her this doesn't explain how someone else was able to make these transactions, as they also needed her PIN.

In relation to the PIN, the technical evidence again shows that the correct PIN was used. There are no failed PIN attempts, and the evidence provided by Barclays shows that there were no attempts to view her PIN from her online banking prior to the transactions in dispute. There are 10,000 possible combinations of a four-digit PIN, so it's most likely anyone would correctly guess a PIN. Miss S says that her phone PIN and card PIN were the same, but there is no way a third party would've known that had she not told them. It is possible that someone else saw her enter her passcode into her phone, and then guessed it was the same PIN for her card. However, my job is to consider the evidence and come to a decision on what I think is more likely to have happened. And I don't think this is the more likely explanation.

It is possible Miss S was drugged and confused and then entered the PIN herself when prompted. It is also possible Miss S told a third party her PIN while in this disorientated state. It is also possible Miss S made the transactions herself. However, in either of these situations the PSR's are clear that Miss S will be responsible. This is because all these situations amount to consent, as set out in the rules, and therefore would be considered authorised.

Miss S says she didn't authorise Barclays to send this money. However, the action of using the card and PIN together amounts to authorisation as outlined above. So, I can't say Barclays did anything wrong in following these payment instructions. Miss S also complains that Barclays should've blocked the transactions or requested further authorisation, considering the payments were of high value.

Chip technology is complex and sophisticated, and there have been no known instances when the chip in the card has been successfully copied. This means that when the computer records show that the genuine card and chip has been used, the payments are taken as not suspect. So, it is reasonable for Barclays to have allowed these payments to be processed without any further verification.

Miss S later raised a dispute amount a payment of £400 made on 3 June 2024 to the hospital she had visited in Turkey. Miss S hadn't raised this previously and hasn't given any reason as to why she hadn't. This transaction was an online payment sent from Miss S's account to the hospital. So, whoever completed this would've needed Miss S's security account information to make it. There is evidence to suggest how this information would've been compromised, and as this was not raised before I am not persuaded this is an unauthorised transaction.

My final decision

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

Under the rules of the Financial Ombudsman Service, I'm required to ask Miss S to accept or reject my decision before 2 May 2025.

Sienna Mahboobani
Ombudsman