

## **The complaint**

Mrs H complains that Santander UK Plc (Santander) won't refund transactions totalling £267.81 which she says she didn't authorise.

## **What happened**

The background to this complaint is well known to both parties, so I won't repeat everything here. In summary Mrs H says there were five transactions totalling £267.81 which were taken from her account which she says she didn't approve. Some of these transactions were approved by Apple Pay.

The transactions occurred around 20 December 2024. Santander is persuaded Mrs H did authorise the transactions for a variety of reasons including:

- The same IP address was used for other, undisputed transactions.
- Apple Pay which was linked to her account has a distinct ID which was used for transactions Mrs H isn't disputing.
- Some of the transactions would have needed approval using her banking app or a code that would have been sent to her.

The investigator concluded that Santander had acted fairly by not refunding Mrs H the payments she is disputing. As Mrs H disagrees this 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.

While I might not comment on everything (only what I consider key) this is not meant as a discourtesy to either party – it reflects my role to resolve complaints with minimum formality. I'd like to assure both parties I've considered everything they have sent.

Having done so I don't uphold this complaint.

Generally speaking, Santander is required to refund any unauthorised payments made from Mrs H's account and Miss H should only be responsible for transactions made on her account that she has authorised. Those rules are set out in The Payment Services Regulations 2017. Mrs H says she hasn't authorised the transactions she's disputed, so I have to decide whether or not I think Santander acted fairly when they concluded Miss H did authorise them.

There are five transactions in total that Mrs H is disputing which I have looked into in detail to see if on balance they were authorised. The transactions were approved in a variety of ways which I find to be unusual, as the potential fraudster would have needed to have multiple pieces of information to complete all these transactions. I've considered this while reviewing this complaint.

#### £24.50 transaction and £45 transaction

Santander's internal notes show that these transactions were authenticated either in app or by a onetime password that was sent to the mobile phone registered to the account. I haven't been provided with any details which show that Mrs H's online login details or mobile phone were compromised. And Mrs H has confirmed that nobody but her has access to her mobile phone. I haven't been provided with any plausible explanation as to how anyone but Mrs H would have had access to the additional security requirements needed to complete these transactions.

Santander has also provided details that these transactions were completed from an IP address Mrs H has used before for transactions she isn't disputing. The IP address relates to a location associated with the internet activity of a device or network. Santander has also confirmed that one of the IP addresses shows the same device was used for an undisputed transaction.

Given that same IP address was used for undisputed transactions, and considering the additional security steps that needed to be completed to authenticate the transactions, I am persuaded that these transactions were likely completed by Mrs H.

#### £71.50 transaction and £68.47 transaction

Santander's internal notes show that these transactions were completed using Apple Pay linked to a phone. And I have been provided with technical evidence from Santander which shows that only one device is registered for Mrs H's account at the time the disputed transactions took place.

The internal notes provided by Santander show that this token was activated in November 2024 and has been used for transactions that Mrs H isn't disputing. I haven't been provided with any plausible explanation as to how anyone but Mrs H would have been able to use this token (or have access to the device registered to the account). I therefore think it is likely that these transactions were completed by Mrs H.

#### £58.34 transaction

Santander has provided part of their internal notes which show that the payment made to this retailer was made by a "token". And the internal notes they have given suggest that this token was set up on 24 November 2024 on a device that had been previously used for transactions that Mrs H isn't disputing. Again, I haven't been persuaded or provided with what I believe is a plausible explanation for how anyone but Mrs H would have been able to use this token or have access to the device registered to the account to set up the token. I therefore think it's likely this transaction was authenticated by Mrs H.

In summary, I'm satisfied after reviewing the information given that the disputed transactions were made and authenticated in a variety of ways, and I haven't been provided with a plausible explanation as to how anyone but Mrs H could have authenticated the transactions.

#### Did Mrs H consent to the transactions

To decide if Mrs H most likely authorised the disputed transactions I not only need to be satisfied the transactions were authenticated (as I've said above, I think they were), but I also need to be persuaded Mrs H most likely consented to them.

Below are the three possible scenarios regarding consent:

- a) Mrs H consented to the disputed payment transactions herself.
- b) Mrs H provided authority to a third-party to consent to the disputed payment transactions.
- c) A third party, without Mrs H's authority, gave consent to the payment transactions.

In scenarios (a) and (b), Mrs H authorised the disputed payment transactions, so redress would not be available to her. In scenario (c), Mrs H did not authorise the transactions, so redress could potentially be available.

Mrs H denies making the transactions herself and hasn't said she provided authority for a third party to make the transactions on her behalf. I've thought carefully about what she's said, but I'm not persuaded scenario (c) is likely.

For a fraudster to have made all of the disputed transactions – they would have required access to Mrs H's card details. For some of the transactions would have needed access to her phone so they could access the code sent to her, and the login details for her app as a transaction was approved through her app. The Apple Pay token used to complete some of the disputed transactions was also used for transactions Mrs H isn't disputing and was set up around a month before the disputed transactions took place. And as I explained previously the same IP address has been used for some of these transactions and transactions which Mrs H isn't disputing.

Given all of that, I think it's unlikely and I can't see a plausible explanation of how these transactions were authorised without Mrs H's consent. For these reasons I am not satisfied, on balance that a third-party was responsible for the transaction.

I appreciate that Mrs H will be disappointed. But for the reasons I've explained I'm not persuaded it was unreasonable for Santander to treat these transactions as authorised and to therefore not refund them.

### **My final decision**

For the reasons set out above, my final decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H to accept or reject my decision before 30 June 2025.

Sureeni Weerasinghe  
**Ombudsman**