

## The complaint

A company, which I will refer to as B, complains that Viva Wallet.com Ltd acted unfairly in dealing with a chargeback dispute.

## What happened

Mr C, B's director, told us:

- Viva Wallet notified him of the dispute via B's email address on 6 September 2022, which he acknowledged and started to investigate. He subsequently provided Viva Wallet with documents to defend the chargeback.
- On 5 October 2022, Viva Wallet asked for the documents to be resubmitted. This request was sent to his personal email, and he was given less than 22 hours to respond.
- On 6 October 2022, he resubmitted the documents as requested via B's email address.
- On 28 November 2022, Viva Wallet sent a message to his personal email – which he had not provided, and which he suspects Viva Wallet sourced improperly via social media or data scraping. That message said B's defence had been rejected by the card issuer and B could either accept the claim and refund its customer or escalate the dispute to arbitration which would incur a £500 fee if the dispute was lost. Viva Wallet asked for a response by 5 December 2022.
- On 3 December 2022, he replied via B's business email rejecting the claim. He said he received no confirmation or further response from Viva Wallet.
- On 30 April 2025, B submitted its complaint to Viva Wallet.

Viva Wallet said that, because it didn't receive confirmation from B within the required timeframe about escalating the case, it closed the dispute. It also initially said it had no evidence of corresponding with Mr C's personal email address, but later said that this address had been provided by Mr C when he had opened an account for another company for which he was also a director.

One of our investigators looked at this complaint but did not uphold it. She said that Viva Wallet had gathered information in support of B's defence, however this defence was ultimately unsuccessful, and the disputed payment was subsequently debited back. She also said she didn't have evidence to show that Viva Wallet had improperly disclosed information to a third party. Overall, our investigator didn't think Viva Wallet had done anything wrong, so she didn't recommend any further action be taken.

Mr C did not accept our investigator's findings, and said that Viva Wallet failed to follow proper procedures by unlawfully using a personal email address for critical communication

without prior consent. The dispute was unresolved for two years which caused financial and reputational damage to B.

### **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'm sorry to further disappoint Mr C but I have reached the same overall conclusion as our investigator reasons. I explain further below.

I want to start by making it clear that I can only consider B's complaint that Viva Wallet mishandled the chargeback dispute. I cannot comment on any dispute B may have with its own customer, and I cannot comment on whether any legal claim B might have against its own customer would be successful. My role is limited to deciding whether, in the context of this chargeback claim, Viva Wallet has treated B fairly and reasonably.

The chargeback process was run by the card scheme, and operated according to the card scheme's rules. Viva Wallet did not operate the scheme, and was not responsible for deciding whether the chargeback should be successful – but it was responsible for helping B attempt to defend the chargeback. In these circumstances, I am satisfied that Viva Wallet acted fairly in this regard.

Viva Wallet's role in the chargeback process was to collect the information B wished to rely on in its defence and forward this to the card issuer. If the issuer rejected the defence, B then had the option to escalate the matter to arbitration and provide any additional evidence it wished to submit.

In this case, Viva Wallet gathered and submitted B's evidence to the issuer. After the issuer rejected the defence, Viva Wallet asked B whether it wished to proceed to arbitration. Because B did not make this request within the required timeframe, Viva Wallet closed the case.

I do think it would have been better customer service for Viva Wallet to have acknowledged B's response and made clear that the case would be closed unless B asked for it to be escalated. However, because B didn't explicitly request arbitration within the deadline - something Viva Wallet had said was required - I don't think it was unfair for Viva Wallet to close the case.

B has also raised concerns about Viva Wallet using a personal email address to communicate about the chargeback dispute. As an ombudsman, it is not my role to issue a determination as to whether Viva Wallet has broken the law. My role is to determine this complaint in a way that I consider to be fair and reasonable in all the circumstances. That means I can look at Viva Wallet's use of Mr C's personal email in the context of the chargeback dispute.

The evidence suggests that the email address Viva Wallet used for some of its communication was originally provided during the onboarding process for another company for which Mr C was also a director. It's also clear that Mr C received the emails, as he responded to them. Given this, I don't consider that Viva Wallet's use of Mr C's personal email address had any negative impact on B's ability to defend the chargeback.

**My final decision**

My final decision is that I don't uphold this complaint against Viva Wallet.com Ltd, and I make no award.

Under the rules of the Financial Ombudsman Service, I'm required to ask B to accept or reject my decision before 19 March 2026.

Laura Colman  
**Ombudsman**