

## **The complaint**

A company, which I'll refer to as W, complains about the way VIVA WALLET.COM LTD handled several chargebacks. W also complains Viva breached data protection laws through an incomplete response to a request for data and that Viva hasn't complied with the regulator's complaint handling rules when dealing with the complaint.

## **What happened**

W has a debit card issued by Viva. Between September 2024 and November 2024 it made three payments to airlines. W raised disputes through the chargeback scheme about these and requested they be refunded.

Viva raised W's chargeback claims. The ultimate outcome reached for each chargeback was that one of the payments was refunded, one was partially refunded and one was unsuccessful. Viva was satisfied that it had dealt with W's chargebacks in accordance with the chargeback scheme rules.

W was unhappy with this outcome and brought its complaint to our service. One of our investigators looked into W's complaint, and said, in summary that Viva wasn't obliged to pursue the chargebacks on W's behalf. And, in the circumstances, she didn't think Viva needed to do anything further.

Our investigator said that there were only two chargebacks that needed to be considered given Viva had refunded one in full. For the partially refunded chargeback, she was satisfied that Viva's decision to refund 50% of the value of the payment was reasonable as a "good-will gesture" since Viva had concluded only the return leg of the journey had been impacted. While, for the unsuccessful chargeback, she was persuaded that it was reasonable for Viva not to pursue the matter further given the defence presented by the airline.

On W's additional complaint points, she said that she didn't think the data protection law W had referenced applied to limited companies and she couldn't comment on complaint-handling as this is not covered by our service.

W's director didn't agree with our investigator. In short, he said that it was unclear whether the investigator had seen corroborating evidence from the card network. He did accept there was no legal obligation on Viva to pursue the chargeback to the end of the process and it might present costs to Viva, but the investigator ought to have placed weight on whether W was willing to bear that cost.

W's director also thought the investigator had misapplied the relevant data protection law because data containing personal identifiers – such as the data of a director – was expressly covered in a DSAR (Data Subject Access Request).

## **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 come to the same conclusions as our investigator, for broadly the same reasons. But I will make some further comments below.

Firstly, I confirm that our investigator was correct to say that complaint handling is not an activity our service covers. So I will not be commenting on this aspect of W's complaint.

Similarly, there doesn't seem to be a dispute that Viva is not legally required to respond to a DSAR from W. Instead, W's director argues that Viva is required to action requests for his personal data. Be that as it may – W's director is not the complainant in this case. So even were I to agree that W's director had suffered some loss as a result of any delay or failure to respond to his DSAR, I would be unable to direct Viva to compensate him. Nor would I be able to direct financial compensation to W for its director's losses. I therefore cannot require Viva do anything further in this respect.

Moving on to the chargebacks issue, W's director has made several submissions in support of W's complaint. While I've thought about all of these, I am going to focus my decision on what I believe are the most relevant points.

Given W received a full refund for one of the chargebacks, I think that represents a fair outcome for that particular claim. There are therefore only two chargeback claims I must still consider. That is the partial-refund and the claim that didn't succeed.

The chargeback scheme is run by the card network. Disputes under this scheme are initially dealt with between the card issuer and the merchant acquirer, in accordance with the network's chargeback rules. Where disputes can't be resolved, they may end up with the card network for arbitration. The losing party must then bear the card network's fees for raising it to arbitration.

W's director says he works in the industry and so he understands the process. So I won't go into further detail. Yet it is important that I explain my role now.

My role is to say whether Viva handled the chargeback claims fairly. Viva is not required to raise disputes for W under the chargeback scheme under every circumstance. But, in general, I'd expect Viva to pursue a chargeback for W, and potentially take it right to the end, where there is a reasonable prospect of success.

Both disputes, which involve issues with flights, were raised by Viva on W's behalf. In both disputes, the airlines both said W was not entitled to a refund. I've reviewed the defences put forth by each airline to Viva, and I note the airlines broadly both argued that W was not entitled to refund or compensation in either case because W had utilised the services provided and/or there were no delays for which their terms or the relevant legislation required them to either refund or compensate W.

I think the airlines' comments have merit and would likely prove decisive in any eventual decision reached by the card network at arbitration. Given this, I don't think it is unreasonable that Viva chose not to pursue the chargebacks for W further. Viva has already made the decision to refund W 50% of one of the transactions – representing one leg of one journey – and I don't think it would be fair for me to order Viva to do more.

W's director has argued that we should consider whether Viva ought to have asked W whether it was willing to bear cost of arbitration. Our investigator has already noted that the potential cost of arbitration was more than the value of one of the payments in dispute, but

even if I were to accept that W was willing to take that risk, I don't agree Viva was required to offer that option to W.

It is Viva, in its role as the card issuer, that is a participant in the chargeback scheme. Not W. And as the participant to that scheme I think Viva is entitled to decide, within reason, what disputes it takes to arbitration. As already explained, I think W should pursue disputes on a cardholder's behalf where there are reasonable prospects of success, but I'm satisfied that W's disputes didn't have reasonable prospects of success under the chargeback scheme.

W can still pursue its disputes directly with the merchants involved. But, for the reasons given, I don't think Viva was fairly required to pursue the matter further for W under the Chargeback scheme.

### **My final decision**

My final decision is that I do not uphold this complaint against VIVA WALLET.COM LTD.

Under the rules of the Financial Ombudsman Service, I'm required to ask W to accept or reject my decision before 6 February 2026.

Laura Colman  
**Ombudsman**