

## **complaint**

Mr B complains that Tesco Personal Finance plc failed to deal properly with him following a fraudulent transaction being made on his credit card account.

## **background**

Mr B held a credit card with Tesco. A fraudulent transaction of £1,200 was made on the account, which resulted in Mr B having a genuine transaction refused when he tried to use his card.

Tesco issued a new card to Mr B. Mr B says he was assured that all recurring payments set up on the account would be transferred automatically, but there were in fact difficulties with two such payments. Tesco later accepted that Mr B should have been told to contact the holders of the recurring payment mandates direct.

The fraudulent payment was refunded, and Tesco apologised to Mr B and offered to pay him £50. But Mr B remained unhappy that Tesco had not provided answers to the questions he had about the fraud and had not in his view carried out its investigation in sufficient depth. He was also concerned that Tesco had not contacted the police, and about a fraud prevention database registration that Tesco made.

An adjudicator investigated the complaint. She was able to obtain further information from Tesco in relation to Mr B's outstanding questions, but explained to Mr B that some of the information he sought could not be provided because of commercial sensitivity. Overall, the adjudicator did not consider there to be any outstanding issue or loss remaining.

Mr B did not agree with the adjudicator's view. He said, in summary:

- He provided the ombudsman service with a list of twelve issues that he wanted resolved about this fraud and does not consider these have been properly investigated.
- He does not accept that commercial confidentiality is relevant to the issues he has raised, and believes the adjudicator has accepted Tesco's response without question.
- Tesco's explanations appear dishonest in some respects, and the transaction – which it had previously said was no longer on its system – appeared in a later annual statement summary. So it must have lied about that.

## **my findings**

I have considered all the available evidence and arguments to decide what is fair and reasonable in the circumstances of this complaint.

Tesco accepts that Mr B did not make, and was not in any way involved in, the fraudulent transaction that was made on his account. Because Mr B was the victim of identity theft, Tesco has registered information with the fraud prevention database to help protect Mr B in the future – it has not registered any adverse information about him. The money was refunded to Mr B's account and he has been offered £50 in respect of inconvenience caused by any administrative failings.

I can readily accept that the whole matter has caused Mr B considerable disquiet, and I appreciate that he is frustrated by the fact that neither Tesco nor the police are making the efforts that he feels they should to catch the criminal. But that is not something I can require Tesco to do, and I am conscious that it has not sought to hold Mr B in any way liable for the fraudulent transaction. I do not regulate or supervise the banks – this service is designed as a free and informal alternative to the civil courts.

The adjudicator has provided Mr B with information in respect of the questions he wanted Tesco to answer. Tesco is not willing to provide Mr B with all the information he has asked for, because of considerations of sensitivity and fraud systems. Mr B feels he is entitled to see any internal reports or information that Tesco holds about the fraudulent transaction.

Again, given that Tesco does not hold Mr B liable for the transaction, I do not consider that I can direct it to make all its internal information available to Mr B – even if I were to accept his argument that this is not sensitive information, which I would not necessarily do.

The fact that the transfer into Mr B's credit card account, and matching cash drawing on it, are shown in his annual summary statement does not alter my view about the complaint.

#### **my final decision**

My final decision is that I do not uphold this complaint, because Tesco has already refunded the transaction and has offered fair compensation.

Jane Hingston  
**ombudsman**