

## **complaint**

Mr Y complains that Santander Cards UK Limited wrongly holds him liable for transactions made fraudulently to his credit card account.

## **background**

Mr Y says he lost his Santander credit card but could not report the loss because he had to go on a training course shortly afterwards. He reported the loss about two months later, and disputed all the transactions that had been made with the card in the interim.

Mr Y says that Santander unfairly held him liable for the transactions, and did not prevent further transactions after he had reported the loss. He also says that Santander unfairly registered adverse information against him with a fraud prevention database, without having carried out a proper investigation.

Santander was unwilling to refund the disputed transactions, because it considered that Mr Y had either made or authorised them. Santander also said that it had identified that Mr Y had tried to make payments into his credit card account by means of cards that did not belong to him, shortly before he reported the loss of his credit card.

Mr Y brought his complaint to this service, where it was investigated by an adjudicator. The adjudicator obtained information and evidence from both Santander and Mr Y about what had happened. From the evidence, the adjudicator concluded that Santander was entitled to hold Mr Y liable for the disputed transactions, and had not acted unfairly in registering information about Mr Y with the fraud prevention database and closing his account with it.

Mr Y did not agree with the adjudicator's conclusions and said, in summary:

- It was not he who attempted to make the fraudulent payments into his account.
- He lost his credit card, along with the personal identification number ("PIN") for the card and his personal details, which were also in the wallet. A fraudster must have used those.
- He requires a proper investigation, including viewing of CCTV footage of the various transactions in stores and at cash machines. This will show who used the card.

## **my findings**

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

Santander may hold Mr Y liable for the disputed transactions if it is able to show that he either made or authorised them. I have carefully considered all that Mr Y has said about the transactions, and how he believes they came to be made. As I understand it from what he has told us, Mr Y knew that his credit card, PIN and associated personal information had all gone missing with his wallet but did not take any steps to report the matter for two months.

He says that, during this time, an unknown fraudster made use of these items to attempt to make fraudulent payments into his account and to make the disputed transactions. But I do not find Mr Y's evidence persuasive and consider that Santander has provided sufficient

proof to show, on a balance of probabilities, that it is entitled to hold Mr Y liable for these transactions.

I do not have any authority to compel stores and other outlets to provide CCTV footage of transactions, even if they were still available from the relevant time. In any event, such footage would not have been of any assistance in demonstrating whether or not Mr Y authorised the transactions.

I have also considered the circumstances in which Santander closed Mr Y's account and registered information about him with the fraud prevention database. I am satisfied, from the available evidence, that Santander was entitled to close Mr Y's account and make the registration.

### **my final decision**

In view of my findings, my decision is that I do not uphold this complaint.

Jane Hingston  
**ombudsman**