

complaint

Miss Z complains that Vanquis Bank Limited is holding her liable for a debt incurred on a credit card that someone fraudulently obtained using her details.

background

In August 2017 Vanquis received an online application for a credit card, apparently from Miss Z. It accepted the application and sent the card to Miss Z's address. The card required Miss Z to call Vanquis to activate it.

Vanquis received a telephone call to activate the card on 30 August. The caller confirmed Miss Z's date of birth and the postcode, home telephone number and email address used on the application. Vanquis was satisfied that the caller was indeed Miss Z and activated the card. It was then used for a number of transactions over the following two weeks.

On 11 September Miss Z called Vanquis to say she had become aware that someone has used her details to open an account in her name. She suspected it was someone who shared her student accommodation and who had applied for the card while she (Miss Z) was away.

Vanquis investigated but reached the conclusion that Miss Z had applied for and activated the card. It said that the voice on the activation call was very similar to her own – which the bank knew from the call reporting the alleged fraud.

Miss Z didn't accept what Vanquis said and referred the matter to this service. One of our adjudicators considered her complaint but agreed with Vanquis that Miss Z had activated the card and had, therefore, been responsible for the application and the transactions made with the card.

Miss Z didn't accept the adjudicator's view and asked that an ombudsman review the case – as the final stage in our process.

my findings

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, however, I've reached broadly the same conclusions as the adjudicator did.

I've considered first of all the details submitted with the online application. Some of the information on it appears inaccurate – on any basis. It says that Miss Z has lived at the address for more than four years and has a household income of over £56,000. Miss Z had actually lived at the address for around two years, and it's unlikely that a student's household income would be that high. I might have expected Vanquis to investigate further before issuing the card.

I note too that Vanquis was unable to verify the mobile phone number on the application, and that the email address was not obviously linked to Miss Z's name. In addition, the caller appeared to be suffering from a bad cough, so, to help her, the Vanquis staff member simply asked her to confirm the email address and telephone number after he read them out. And the telephone number appears to have been that of the shared house where Miss Z was living. Further, Vanquis can't provide the number of the caller who activated the card, since it was withheld.

Taking all of that into account, I don't believe the information provided on the activation call necessarily showed that Miss Z was responsible for the application. It was information that was on the application and, to the extent it was personal to Miss Z, readily available.

Vanquis – and our adjudicator – concluded however that the caller sounded very like Miss Z. On that basis they said that it was more likely than not that she made the activation call. Miss Z said that the person she suspected of being behind the application was a very good mimic, so could have impersonated her.

I've considered very carefully the evidence about this, and listened to recordings of both the activation call and the call where Miss Z reported a fraudulent application. I agree that the voices in each call are very similar, although it's fair to say that the caller who activated the card was suffering from a bad cough. I also note what Miss Z says about someone impersonating her. However, in my view that doesn't really help her case. Even if someone who shared a house with her was able to mimic her voice, they would have had no reason to do so. Vanquis had until that point never spoken to Miss Z and would have had no idea what she sounded like. The priority for someone who had made a card application in Miss Z's name would have been to answer security questions correctly, not to sound like Miss Z.

On balance, therefore, I think it more likely than not that, even if Miss Z didn't use the card herself, she was aware that an application had been made in her name. In the circumstances, it wouldn't be fair to require Vanquis to write off the debt that has arisen.

my final decision

My final decision is that I don't require Vanquis Bank Limited to do anything further to resolve Miss Z's complaint. Under the rules of the Financial Ombudsman Service, I'm required to ask Miss Z to accept or reject my decision before 7 September 2019.

Michael Ingram
ombudsman