

complaint

Mr R complains that Vanquis Bank Limited is holding him responsible for six online credit card transactions he says he didn't make or authorise.

background

Mr R says he doesn't recognise certain transactions made in August and September 2013. The transactions were made with two different online casino businesses. I shall refer to those businesses as "A" and "B".

Mr R says the bank initially gave him a refund for the disputed transactions, but went on to hold him responsible for them.

The bank has provided us with information from A and B. The information A has provided shows that the disputed transactions were made on an account in Mr R's name. The address, date of birth, telephone number and email address associated with this account match those on the bank's file, and our file for Mr R. A says that when Mr R called it about the transactions, he used the same phone that had been used to open the account (its "mobile app" was used).

B has also provided details of the account set up in Mr R's name. It says the account was opened in September 2013, and that three deposits were made using Mr R's credit card (the evidence I've been provided with shows a different card was used to make the transactions with B). The address, telephone number and email address associated with this account match those on the bank's file, and our file for Mr R.

Our adjudicator didn't recommend the complaint was upheld. He didn't consider a third party fraudster was likely to provide A and B with Mr R's genuine details as this would make it difficult for that person to benefit from a fraud. He noted that the account was set up so that winnings would be paid directly onto the card used to make the relevant transaction. This meant that Mr R (not the fraudster) would benefit. In the circumstances he considered it more likely than not that Mr R authorised the transactions. Mr R was adamant he didn't do this. He told our adjudicator he lost his wallet around this time, so a fraudster could've used his business card (in his wallet) to obtain his details. He thinks that the fraudster could've used his details to ensure to open an account.

Mr R also complains about the customer service he received from the bank. Our adjudicator noted that the bank took nearly three months to complete its investigation into what happened. He agreed this was a long time, but considered that the bank had to wait for A and B to respond to its request for further information before it concluded its investigation. Mr R disagreed with the adjudicator.

my findings

I've considered everything Mr R and the bank have said and provided to decide what's fair and reasonable in the circumstances of this complaint.

Mr R is adamant he isn't responsible for the transactions. He says he feels he has been victimised, and robbed of his money. But having considered all the evidence I have reached broadly the same conclusions as the adjudicator, and for the same reasons.

Where evidence is incomplete, inconclusive, or contradictory, I have to reach a decision on the balance of probabilities; that is, what I consider is most likely to have happened, given the evidence that's available and the wider surrounding circumstances. I consider it unlikely that a fraudster would've set up accounts with A and B to ensure that winnings would be paid directly onto a credit card belonging to Mr R, as this meant that Mr R (not the fraudster) would benefit from the disputed transactions. Mr R says a fraudster could've intended to transfer the money from his account to another source. I accept that's possible, but I consider it unlikely.

A says that Mr R's account with it was opened in August 2013. It says that two different cards were used to make seven deposits over a two month period. Mr R hasn't disputed all of these transactions. A says that the same IP address was used to make the deposits, and that it carried out a number of security checks in connection with the disputed transactions. It says that when the disputed transactions took place:

- the correct card expiry date was provided;
- the correct three digit security number (found on the back of the card) was provided when the first deposit was made;
- the correct account user name and password were provided.

This suggests to me that Mr R's genuine card were used to make these transactions, and that the person making the transactions also knew his account details.

I'm not aware that Mr R reported the relevant cards as being lost or stolen around this time, so I'm not sure how the genuine cards could've been used if Mr R hadn't made and authorised the transactions, or authorised another person to do this, I consider that even if a third party had used his cards without authorisation, that person would've also needed the correct account user name and password to access Mr R's accounts with A and B.

Mr R has suggested that he might've been a victim of an "inside job" at the bank, but I find no evidence to support this. He complains that the evidence doesn't show that his mobile phone was used to carry out the transactions. I accept it doesn't demonstrate this.

I can't be certain what happened in this case. But having considered the evidence I consider it more likely than not, on balance, that Mr R made or authorised the transactions. I consider it unlikely that a third party fraudster would've been able to obtain Mr R's genuine cards and all the other information associated with the accounts in question.

Mr R says A and B didn't carry out appropriate checks to avoid identity fraud. I'm persuaded that in the circumstances, A and B had sufficient information to enable them to open accounts for Mr R.

Mr R complains about the bank's handling of his complaint. I'm aware it took the bank around three months to investigate his complaint fully and send him its final response. But I'm not persuaded this amount of time was excessive in the circumstances. I agree with the adjudicator that the bank had to wait for A and B to respond to its request for further information before it concluded its investigation.

In all the circumstances, therefore, and on balance, I find I am unable safely to conclude that Mr R didn't make, or otherwise authorise, the disputed transactions. Because of that, I can't find in his favour.

my final decision

My final decision is that I do not uphold the complaint.

Laura Forster
ombudsman