

complaint

Mr A complains that HSBC Bank plc has refused to refund several online transactions which he says he did not make.

background

Mr A's HSBC debit card was used to make a number of online gambling transactions, totalling over £37,500. He says he did not make these transactions, and believes his wallet containing the card was lost or stolen.

HSBC refused to refund the transactions. It said, among other things, that the transactions had been made from the same computer address as Mr A regularly used for online banking, and that the timing and amount of the transactions did not follow usual fraud patterns. There were also inconsistencies in the information Mr A had provided to it on whether he did or did not make the first set of transactions, and certain information provided to the second online gambling site would not have been known to someone having just Mr A's wallet.

Our adjudicator did not recommend that the complaint should be upheld. She concluded, in summary, that Mr A had not kept his online banking details secure – contrary to the terms and conditions for the operation of his HSBC account. This meant that he was responsible for the transactions even if he had not made them himself.

Mr A has not accepted the adjudicator's view and still wants the full amount involved refunded.

my findings

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

The terms and conditions for the operation of Mr A's account are relevant here because they say, in summary, that he is responsible for online transactions made by someone else if he has not kept his banking details secure.

Mr A has told us that he now accepts that he made the first two (small) gambling transactions on a friend's behalf. There were further attempted transactions on the same gambling website which were rejected, and Mr A says he knows nothing about these. Some hours later there were several larger transactions on another gambling website, which Mr A again says he did not make.

I accept Mr A's statement that he did not make these other transactions, but the evidence provided by the bank about how the account was accessed and the information the fraudster had to pass the security checks indicates to me that it is highly probable that the disputed transactions were made by a person known to Mr A. Unfortunately, it appears that Mr A's trust has been betrayed, but this could only have happened if Mr A had allowed that person to know his online banking details. He has therefore been negligent with these.

HSBC believed that it was Mr A that was carrying out the transactions because all of its security requirements were met, and it was not aware that these had been compromised. I therefore consider that the bank is acting fairly and reasonably in refusing to refund the disputed transactions.

my final decision

My final decision is that I do not uphold this complaint against HSBC Bank plc.

Under the rules of the Financial Ombudsman Service, I am required to ask Mr A to accept or reject my decision before 12 November 2015.

Malcolm Rogers
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