

The complaint

Mrs O complains Barclays Bank UK PLC (Barclays) have refused to refund her for a transaction on her account she says she didn't make.

What happened

Mrs O says that a debit card transaction made on her Barclays account on 2 May 2023 for £3,135.80 wasn't made by her. She says it is a fraudulent transaction and she wants Barclays to refund her the money. Mrs O says she thinks her phone was hacked when she recently had it repaired.

Barclays says they think Mrs O was responsible for the transaction as it was verified on her mobile banking before they allowed the payment to go through. And this was done on her usual mobile device and from an IP address that is usually used for her online banking.

Our investigator considered all the evidence and decided not to uphold the complaint. Mrs O didn't agree, so the complaint has been passed to me for a final decision.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Where there's a dispute about what happened, and the evidence is incomplete or contradictory, I must make my decision on the balance of probabilities – in other words, what I consider more likely to have happened in light of the available evidence.

The Payment Services Regulations primarily require banks to refund customers if they didn't make or authorise payments themselves. Certain other circumstances do apply – specifically whether the customer was grossly negligent in looking after their card and PIN – but nothing else that's had a marked impact on the decision I'm making here. So, when we look at whether a bank has acted fairly in rejecting someone's fraud complaint, one of the things we consider is whether the customer made the transactions themselves or allowed them to be made. If they did, then we generally wouldn't ask the bank to refund them.

Barclays have provided evidence to show that the debit card transaction was verified via Mrs O's mobile banking app before they allowed the payment to go through. This means Mrs O was directed to log into her mobile banking and confirm that the transaction was genuine, and not fraudulent. I've also seen evidence that the verification was carried out on Mrs O's usual mobile device, from her usual IP address. Mrs O has confirmed that she had her debit card and her mobile phone in her possession at the time the transaction was made. So, the evidence suggests the transaction was made and authorised by Mrs O.

I've thought about what Mrs O has said about the transaction being carried out in the early hours of the morning, when she was asleep. But that doesn't explain how the transaction was verified using her mobile phone while her debit card was in her possession. So, I am not persuaded by this evidence, and it doesn't change my decision.

I've also considered the evidence Mrs O has provided to support her claim that her phone was hacked. Mrs O has suggested that it may have been hacked when she sent her phone in for repairs. She has also provided evidence that several messages were sent from her phone to a number she doesn't recognise, and she is concerned that all her personal information from her phone was sent to this number. I reviewed this evidence carefully, but I still don't think this changes my decision. I say this because all the evidence regarding her phone repairs relate to 4 May 2023 – two days after the transaction in dispute took place. In addition, the messages that Mrs O says may have contained her details were sent on 3 and 4 May 2023. As the evidence suggesting her details may have been compromised relate to dates after the disputed transaction, I am not persuaded that this explains how the transaction was made on 2 May 2023. And in any event, this doesn't explain how the transaction in dispute was verified using Mrs O's mobile banking app, which was protected by a passcode.

For all the reasons outlined above, I've decided not to uphold this complaint. So, I won't be asking Barclays to do anything further.

My final decision

I'm not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs O to accept or reject my decision before 8 January 2024.

Sienna Mahboobani
Ombudsman