

## **The complaint**

Mrs W complains Revolut Ltd failed to properly investigate fraud on her account. She wants to know more detail about the merchant to which two contactless payments were made.

## **What happened**

The facts of this complaint are well known to both parties. Mrs W says she didn't make two payments which debited her Revolut account on different days, and she doesn't recognise the name of the merchant. Revolut says Mrs W likely made the payments. Its records show the payments were contactless, so her physical card must have been used. Mrs W also still had the card in her possession the same days both payments were made. But even so, Revolut decided to refund the payments as a gesture of goodwill.

Mrs W wasn't happy with the adequacy of Revolut's response, so brought her complaint to our service.

An investigator considered Mrs W's complaint and decided it should not be upheld. They found Revolut's record of the payments was reliable, and Mrs T made genuine payments using her card on both days. Some merchants are small and don't have much of an online presence, so the lack of information about the merchant wasn't sufficient to conclude Mrs W didn't make the payments.

Mrs W disagrees and says Revolut and our service needs to provide more information about who the merchant is. She has asked for a final decision from an ombudsman, so the complaint was passed to me to decide.

## **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.

I've decided not to uphold Mrs W's complaint. I'll explain why:

- Our service's role isn't to investigate fraud on behalf of a complainant. Instead, our role is to provide a fair and reasonable answer to a complaint about a firm. And in reaching a fair and reasonable outcome, we have regard to the relevant law and regulations; regulator's rules, guidance and standards; codes of practice; and where appropriate, what the ombudsman considers to have been good industry practice at the relevant time.
- Mrs W believes Revolut should know and have access to more information about the merchant. But Revolut can only provide the information Mrs W is aware of. All it has is the merchant's address and name, and that the merchant is registered under the VISA card scheme.
- Neither our service, nor Revolut hold the powers of the police. So, we cannot compel information or evidence from third parties, such as the merchant in question. Mrs W

may wish to report the payments as a crime to the police, which is something she may have already done.

- I don't doubt Mrs W doesn't recall making the payments. But merchants can use different trading names and references. So, it's possible Mrs W made the payments to a merchant whose name differs substantially to the one which was recorded, and as a result she doesn't recognise them.
- Mrs W acknowledges using her card the day of the payments. And she said her card was in her possession. I find this is an important fact. Based on what she has said I doubt someone could have obtained her card, made the two payments, and then replaced the card without her noticing.
- I doubt Mrs W's card was cloned. Our service has yet to come across a complaint where we believe a contactless CHIP was successfully cloned and used to defraud a customer. And, even if this were possible, it would have taken some considerable time and effort alone with Mrs W's card, which is unlikely given the card was with her at the time.
- Mrs W pointed to the possibility of a device being used to intercept her card. But it's unlikely someone could have gotten so close to Mrs W with a functioning chip and PIN machine to engage the contactless feature of her card. Mrs W would likely have noticed such an individual due to how close they would have needed to be to her. Taking this kind of action would seem very risky considering the low value of the payments and the high chance of being apprehended.
- On balance, I'm satisfied Revolut reasonably concluded Mrs W's physical card was used to make contactless payments. I have no reason to doubt the authenticity of its records. And, as Mrs W had the card in her possession that day, I find it was also reasonable for Revolut to conclude it was likely her who made the payments. I don't find it needs to do anything more than it has already.

### **My final decision**

For the reasons I have given, I have decided not to uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs W to accept or reject my decision before 12 July 2021.

Liam King  
**Ombudsman**