

The complaint

Ms H says Revolut Ltd (“Revolut”) refuses to refund to her for a transaction on her account she says she didn’t make.

What happened

The facts of this complaint are well known to both parties, so I won’t repeat them in detail here.

In summary, Ms H says a transaction on her account is unauthorised, and it should be refunded. It was made on 7 May 2024 via Google Pay on an android device, and Ms H says she has an iPhone not an android. The transaction in dispute was made in Asia, and Ms H says she was in the UK at the time. So, Ms H says Revolut should refund her for the transaction.

Revolut says the transaction in dispute was completed after Ms H’s card was added to Google Pay on a new device. And it has provided evidence of the steps taken to add Google Pay to a device, which in this case required a one-time passcode (OTP). Revolut says it has evidenced this was sent to Ms H’s phone number prior to the payment. Revolut says the card could not have been used via Google Pay unless Ms H had given someone the OTP to add it to their device. So, it has held Ms H responsible for this transaction.

Our investigator considered this complaint and also decided not to uphold it. Ms H wasn’t happy with this outcome, 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, as it is in this case, I must make my decision on the balance of probabilities. In other words, what I consider most likely to have happened in light of the available evidence

In these circumstances there are regulations which govern disputed transactions. The relevant regulations here are the Payment Services Regulations 2017. In general terms, the bank is liable if the customer didn’t authorise the payments, and the customer is liable if they did authorise them.

However, the regulations also say that account holders can still be liable for unauthorised payments under certain circumstances – for example if they’ve given someone else their details or failed to keep them secure to such an extent that it can be termed “gross negligence.” So, I’ve considered whether it’s more likely than not that Ms H authorised the transaction herself, whether she gave someone her details which allowed them to make this transaction or whether she failed to keep his details secure through gross negligence.

The evidence shows the transaction in dispute was made via Google Pay on an android

device. Revolut says this was added to a device on 5 May 2024. Revolut has provided evidence that a one-time passcode was sent to Ms H's phone number the same day Google Pay was set up. There is no evidence to show what device this was set up on, but I have seen evidence that Ms H has an iPhone, so I think it's likely it wasn't her device.

The transaction was made in Asia using the device which had Ms H's card attached to it via Google Pay. There is evidence that a second transaction was attempted using the same Google Pay account soon after the first, which Revolut blocked as it felt it might be fraudulent. Based on the evidence I've seen and everything Ms H has said, I think the Google Pay was set-up on a third parties' device, and this third party made the transaction using Ms H's card on Google Pay. But there is no explanation as to how someone else was able to set this up without her card details and the OTP sent to her device.

Ms H says she thinks someone else could've obtained her card details from any number of online shopping sites she'd used. She had also recently signed up for a free trial on an app and thinks it could've been from there. While I accept it is possible for someone to have obtained her card details this way, this still doesn't explain how someone else got the OTP to complete the Google Pay set-up.

We asked Ms H about the recent activity on her phone prior to the disputed transactions. Ms H says she didn't receive or share an OTP with anyone, but the evidence persuades me that she was sent an OTP to her number on the day Revolut says Google Pay was added. And as there is evidence, she received a message from Revolut just after this, so I've seen no reason why she wouldn't have also received this message. I've also seen a copy of the OTP which was sent to Mr H's registered number. The message clearly states the OTP has been sent to set up Google Pay and that this code should not be shared with anyone – not even Revolut.

An OTP is a six-digit number and there are precisely 1,000,000 possible combinations of a 6 numerical-character string. So, I don't think it's likely a third party would've been able to guess this. There are no known instances of a third party being able to set up Google Pay without this code. Ms H hasn't told us about any suspicious calls or messages she'd received, so this doesn't look like a scam. There is also no evidence to suggest a remote access app was added to her device. Ms H says she thinks someone could've cloned her card, but even if that had been done, the transaction was completed via Google Pay and that could only have been set up using the OTP sent to her phone prior to the transactions.

So, the most likely explanation here is that Ms H gave someone else the OTP to set up Google Pay on another device. Either Ms H knowingly gave some one the code to set up Google Pay with her apparent authority, or she was tricked into giving it to a third party. I say this because from what we know, any third party would've needed the OTP to complete the setup of Google Pay and there is no evidence to explain how someone else had obtained this unless Ms H had given it to them. For these reasons Revolut has held Ms H responsible for the transactions and I think that is fair. So, I won't be asking Revolut to refund this money to her.

My final decision

I am not upholding this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms H to accept or reject my decision before 1 April 2025.

Sienna Mahboobani

Ombudsman