



**Wireless Application Service Providers' Association**

## Report of the Adjudicator

Complaint number	31249
Cited WASPA members	Gameloft (1554)
Notifiable WASPA members	
Source of the complaint	WASPA
Complaint short description	Failure to respond to unsubscribe requests.
Date complaint lodged	10/08/2016
Date of alleged breach	
Applicable version of the Code	14.5
Clauses of the Code cited	5.14
Related complaints considered	
Fines imposed	R10 000.00. R5000.00 of which is to be paid on publication of this report. R5000.00 to be suspended for 5 (five) working days provided the WASP can demonstrate to WASPA's satisfaction that all outstanding unsubscribe requests have been closed properly.
Other sanctions	

Is this report notable?	
Summary of notability	

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## Initial complaint

The original complaint related to a failure by the WASP to comply with the provisions of clause 5.14 of the Code which requires the following: “Members must have a procedure allowing consumers to lodge complaints regarding the services provided. Members must acknowledge receipt of complaints expeditiously, and must respond to any complaints within a reasonable period of time.”

At the time of the complaint there were several thousand open unsubscribe requests on the WASP’s portal.

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## Member’s response

After requesting an extension, the WASP responded by saying that they thought there must be a technical issue with their portal and that the unsubscribe requests had been treated but must not have been closed properly on the portal.

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## Complainant’s response

The Complainant made no further response.

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## Member’s further response

The WASP responded only to state that they were putting procedures in place to ensure that unsubscribe requests were dealt with expeditiously and to ask what they need to do to close the formal complaint.

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## Sections of the Code considered

5.14 of the Code which requires the following: “Members must have a procedure allowing consumers to lodge complaints regarding the services provided. Members must

acknowledge receipt of complaints expeditiously, and must respond to any complaints within a reasonable period of time.”

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## **Decision**

After reviewing the documentation submitted and determining from WASPA that at the date of this adjudication there are still 196 open unsubscribe requests dating back to 10/08/2016 notwithstanding the formal complaints process being initiated.

I therefore find the WASP in breach of 5.14.

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## **Sanctions**

I fine the WASP R10 000.00. R5000.00 of which is to be paid on publication of this report. R5000.00 to be suspended for 5 (five) working days provided the WASP can demonstrate to WASPA's satisfaction that all outstanding unsubscribe requests have been closed properly.

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## **Matters referred back to WASPA**

N/A

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