



Wireless Application Service Providers' Association

Report of the Adjudicator

| | |
|--------------------------------|---|
| Complaint number | 41161, 41162 and 41163 |
| Cited WASPA members | Techvault Pte Ltd |
| Notifiable WASPA members | Oxygen8 Communications SA (Pty) Ltd t/a Dynamic Mobile Billing |
| Source of the complaint | Public |
| Complaint short description | Automatic subscription and no unsubscribe action. |
| Date complaint lodged | 2019/04/02 |
| 2019/04/02 | 2019/04/02 |
| Applicable version of the Code | 16.3 |
| Clauses of the Code cited | 15.27 |
| Related complaints considered | N/A |
| Fines imposed | R10 000 for 41161, R10 000 for 41162 and R10 000 for 41163 payable immediately on publication of this report. |
| Other sanctions | N/A |
| Is this report notable? | Not Notable |
| Summary of | N/A |

| | |
|------------|--|
| notability | |
|------------|--|

Initial complaint

The complainant complains of receiving a subscription confirmation message for a service to which she never subscribed. In addition, on attempting to unsubscribe, no confirmation of her unsubscribe request having been processed was received. In addition, no proof of subscription request or refund were received.

Member's response

The member failed to respond.

Sections of the Code considered

Section 15.27.

Decision

Section 15.27 requires that: "The processing of any service termination request must not be unreasonably delayed. Termination requests submitted to the member in an automated fashion (including via SMS, USSD or the WASPA API) must be honoured within 24 hours, and all other termination requests (including email requests) must be honoured within two working days (48 hours)."

The member in this matter failed to respond in any way to the complainant or to WASPA. As the unsubscribe request was not processed I find the member to be in breach of this clause in respect of all three cases to which this report refers.

Sanctions

The behaviour of the member is serious. Failure to conform with unsubscribe requests creates uncertainty and anxiety in the public in that they can never be certain that they have effectively unsubscribed from services which they a) either never subscribed to, or b) have decided they no longer wish to be subscribed to, especially when such services carry a daily subscription fee. For this reason I sanction the member as follows: R10 000 for 41161, R10 000 for 41162 and R10 000 for 41163 payable immediately on publication of this report.

Matters referred back to WASPA

In addition I refer the matter back to WASPA to consider whether the following clauses were breached: 15.10 and 15.11.