



Report of the Adjudicator

Complaint number	#60561
Cited WASPA members	Exceptional Rights (2021)
Notifiable WASPA members	Not applicable.
Source of the complaint	WASPA
Complaint short description	Unsubscription
Date complaint lodged	2024-09-04
Date of alleged breach	Date of the unsubscribe request.
Applicable version of the Code	17.9
Clauses of the Code cited	5.14
Related complaints considered	Not applicable.
Fines imposed	The member is fined R 10 000.00 for the breach of Section 5.14 of the WASPA Code of Conduct payable within 7 days to WASPA from the date of receipt of this adjudication report.
Other sanctions	The member must action the unsubscribe request immediately.
Is this report notable?	Not notable.
Summary of	Not applicable.

Initial complaint

1. This complaint pertained to the member's failure to respond to an unsubscribe request submitted by the complainant on 2024-09-09, along with several follow-up emails thereafter.
 2. The complainant had requested that the member send an SMS confirmation of the unsubscribe action, provide proof of subscription, and contact the complainant regarding a potential refund.
 3. In addition, automated reminders were sent daily by the complainant from March 2023 to September 2024, but the member did not respond or take any action for almost a year and a half.
 4. In conclusion, the member failed to respond to these requests, complaints, and reminders.
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Sections of the Code considered

5. The following Section of the WASPA Code of Conduct ("the Code") is considered herein and reads as follows:

"5.14. Members must have a procedure allowing customers 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

6. The member failed to acknowledge receipt of the initial unsubscribe request from the complainant, constituting a breach of the obligation to promptly address complaints. Additionally, the member did not respond to the formal complaint, violating Section 5.14 of the Code.
7. The member's ongoing failure to respond to the daily automated reminders issued by the member further highlights continued non-compliance with the complaint handling procedures.
8. Consequently, the member has violated Section 5.14 of the Code, which requires the implementation of procedures for customer complaints, including prompt acknowledgment and timely responses.

9. It is notable that the member failed to acknowledge receipt or respond to the initial unsubscribe request from the complainant for nearly a year and a half, despite frequent reminders. This represents a blatant and significant oversight and a complete disregard for the requirements of the Code.

10. Therefore, the complaint is upheld.

Sanctions

11. The member is fined R10 000.00 for the breach of Section 5.14 of the WASPA Code of Conduct payable within 7 days to WASPA from the date of receipt of this adjudication report.

12. The member must action the unsubscribe request immediately.

13. Any amounts charged to the cellphone number that was subscribed to the member's service must be refunded within 7 days to from the date of receipt of this adjudication report.
