



Report of the Adjudicator

Complaint number	#60652
Cited WASPA members	Virtual Payment Solutions (Pty) Ltd Membership no: 0102
Notifiable WASPA members	n/a
Source of the complaint	Public
Complaint short description	Failure to respond, failure to provide customer interactions, failure to provide logs.
Date complaint lodged	18 September 2024
Date of alleged breach	12 August 2024
Applicable version of the Code	17.9
Clauses of the Code cited	5.14, 7.5, 24.24
Related complaints considered	n/a
Fines imposed	<ul style="list-style-type: none"> • R3000 for the breach of clause 5.14, • R3000 for the breach of 7.5, • R3000 for the breach of 24.24. Total: R9000
Other sanctions	none
Is this report notable?	No
Summary of notability	n/a

Initial complaint

This adjudication is a result of a complaint by a member of the public on the 18th September 2024 that the Member unsubscribe the consumer from their mailing list and provide the consumer with the logs of the customer's interaction with the Member.

The Member did not provide any response and as a result this complaint was elevated to a formal complaint on the 10th October 2024.

Member's response

On the 10th October 2024 the Member responded by indicating that the matter has been internally escalated within the Member's organisation and in a second reply, the Member sent an email asking the WASPA secretariat how to use the WASPA complaints website.

WASPA Secretariat then replied with providing details of the complaint, indicating that the first unsubscribe request on the 12th August 2024 and 26 reminders had been sent to the Member which has yet to respond.

No further response was provided by the Member, and bearing in mind that the only responses received from the Member did not deal with the complaint at all, in effect the Member did not respond to the complainant's allegations.

Sections of the Code considered

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.

7.5. Members must provide WASPA with any customer records relating to any service which is the subject of a complaint, including, but not limited to:

(a) where that information is available, a record of the marketing link that the customer followed prior to joining a service;

(b) all communications sent by or to a customer in the process of joining a service;

(c) all required reminder messages sent to a customer;

(d) a detailed transaction history indicating all charges levied and the service or content item applicable for each charge; and

(e) any record of successful or unsuccessful service termination requests.

24.24. Where a complaint involves any interaction with a consumer, when requested to do so, a respondent must provide clear copies of all relevant logs of that interaction and all relevant marketing material.

Decision

The complainant's uncontradicted complaint was that the Member has failed to unsubscribe the complainant, failed to respond timeously and failed to provide the logs as requested.

Consequently:

- The failure by the Member to respond to complaints within a reasonable period of a time contravenes clause 5.14 of the WASPA Code of Conduct and the Member is guilty of breaching this clause.
 - The failure by the Member to provide the customer records contravenes clause 7.5 of the WASPA Code of Conduct and the Member is guilty of breaching this clause.
 - The failure by the Member to provide clear copies of relevant logs contravenes clause 24.24 of the WASPA Code of Conduct and the Member is guilty of breaching this clause.
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Sanctions

Before the question of sanctions is considered it is necessary to consider the prior conduct of the Member in the form of any prior contraventions of the WASPA Code of Conduct and any mitigating or aggravating circumstances.

From a mitigation standpoint, this is the first complaint against the Member.

From an aggravation standpoint, from the sparse communications it is clear that the Member does not know how to manage WASPA complaints. Despite this clear lack of competency, the Member does not appear to have attempted to remedy this problem, nor to have any interest in trying to remedy the problem.

Consequently the following sanctions are imposed on the Member:

- R3000 for the breach of clause 5.14,
- R3000 for the breach of 7.5,
- R3000 for the breach of 24.24.

This amounts to a total fine of R9000.

In terms of clause 24.37, the Member may appeal this decision within 10 days of the release of this adjudication.

Matters referred back to WASPA

None.
