



## Report of the Adjudicator

Complaint number	<b>#60723</b>
Cited WASPA members	<b>Exceptional Rights</b>
Notifiable WASPA members	<b>N/A</b>
Source of the complaint	<b>WASPA</b>
Complaint short description	<b>Unsubscription request</b>
Date complaint lodged	<b>18 September 2024</b>
Date of alleged breach	<b>Date of unsubscribe request</b>
Applicable version of the Code	<b>17.9</b>
Clauses of the Code cited	<b>5.14, 7.5 &amp; 24.24</b>
Related complaints considered	<b># 60560</b>
Fines imposed	R 5 000.00 for its breach of Section 5.14 R 5 000.00 for its breach of Section 7.5, suspended for 6 months R 5 000.00 for its breach of Section 24.24, suspended for 6 months
Other sanctions	<b>Reimbursement of Customer / Consumer</b>
Is this report notable?	<b>Not notable</b>

Summary of notability	N/A
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## Initial complaint

The Complainant lodged a complaint on the 18<sup>th</sup> of September 2024, escalating two unsubscribe queries for failure by the Member to respond to the unsubscribe query, and further failure to provide logs as requested.

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## Member's response

On the 8<sup>th</sup> of October 2024, the Member provided the following response, **copied here verbatim**:

*“Our team reviewed the two numbers you provided on the WASPA site, and both tickets are marked as 'Closed,' which means we're unable to upload the logs directly. The ticket was escalated due to the logs not being shared with WASPA initially. I've attached the logs for reference”*

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## Sections of the Code considered

### Accuracy of services and content advertised

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.

### Provision of information about services

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.

## **Lodging of complaints**

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

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## **Decision**

In reaching a decision the Adjudicator relies on all the information provided by both the Complainant and Member in this matter.

The Member by its own submission, failed to provide the logs, and although these were eventually rendered, its initial failure to fulfil the unsubscribe request and subsequent failure in providing detailed logs and other records, negated the desired outcome.

The Member is found in breach of sections 5.14, 7.5 and 24.24.

The Complaint is upheld in full.

The Adjudicator has however taken note of the fact that the Member had difficulties in retrieving the original logs due to the tickets being closed, but this only happened after the Complainant had to make several attempts in reaching the Member.

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## **Sanctions**

In determining appropriate sanctions against the Member, the following factors have been taken into consideration:

- any previous successful complaints made against the Member in the past three years;
- any previous successful complaints of a similar nature;
- the nature and severity of the breach; and
- any efforts made by the Member to resolve the matter.

The Member is fined:

- R 5 000.00 for its breach of Section 5.14
- R 5 000.00 for its breach of Section 7.5, suspended for 6 months
- R 5 000.00 for its breach of Section 24.24, suspended for 6 months

payable within 7 days to WASPA from the date of receipt of this Adjudication.

The Member is further instructed to reimburse the relevant Customer / Consumer for his / her subscription between the 21<sup>st</sup> of July 2024 until the 25<sup>th</sup> of August 2024.

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**Matters referred back to WASPA**

None

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