



## Report of the Adjudicator

Complaint number	<b>#60732</b>
Cited WASPA members	<b>Telestream Communications (Pty) Ltd (0088)</b>
Notifiable WASPA members	<b>N/a</b>
Source of the complaint	<b>Public/WASPA Secretariat</b>
Complaint short description	<b>Unsubscribe notice ignored</b>
Date complaint lodged	<b>2024-09-17</b>
Date of alleged breach	<b>Not provided.</b>
Applicable version of the Code	<b>V 17.7</b>
Clauses of the Code cited	<b>5.14, 7.5, 24.24</b>
Related complaints considered	<b>60734, 60736</b>
Fines imposed	<b>A fine of R5,000 for the infringement of section 5.14</b>
Other sanctions	<b>None</b>
Is this report notable?	<b>Not notable</b>
Summary of notability	<b>Not applicable</b>

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## **Initial complaint**

1. A complaint was lodged by a member of the public prior to 17 September 2024. The complaint was that the Member had failed to respond to an unsubscribe request. The Member is also alleged to have failed to provide logs as requested.
2. A standard notice of complaint was sent to the Member by email by the WASPA Secretariat on 18 September 2024 providing the Member with a ten-day period to respond to the formal complaint. By 10 October 2024 the Member had failed to respond to the complaint, and it was assigned to adjudication after escalation by the WASPA Secretariat.
3. No further correspondence was received from the Member.

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## **Member's response**

4. There was no response from the Member.

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## **Sections of the Code considered**

5. The relevant provisions of Version 17.7 and 17.9 of the Code of Conduct are identical. Due to the uncertainty of the date of the infringement, both versions of the Code were considered. The following sections of the Code of Conduct (17.7) were 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.

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## **Decision**

6. The facts of the case are uncontested as the Member failed to respond to the formal complaint by WASPA.
  7. Although the complaint mentions a request for proof of subscription and logs as is required in terms of section 7.5 and 24.24, the Secretariat provided no proof of such requests.
  8. The Member has had a clear opportunity to respond to the substance of the complaint as required by the Code of Conduct, but has failed to do so.
  9. In terms of section 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.
  10. The Member has failed to provide any proof that it has such a procedure, or that it acknowledged receipt of the complaint by the member of the public in this case. It has also offered no proof that it responded to the complaint within a reasonable period of time.
  11. I accordingly hold that the Member has infringed sections 5.14, of the Code of Conduct. I also hold that there is no proof of the infringement of section 7.5 and 24.24
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## **Sanctions**

12. I have taken into account that there were no related past complaints against the Member. However, the Member's failure to respond to the complaint is taken as a serious and aggravating factor. It is important that members respond to complaints and requests by the Secretariat to ensure public trust in the Code of Conduct and the complaints procedure under it.
  13. I accordingly impose a fine of R5,000 for the infringement of section 5.14.
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## **Matters referred back to WASPA**

N/a

