



Report of the Adjudicator

Complaint number	#60810
Cited WASPA members	Exceptional Rights
Notifiable WASPA members	N/A
Source of the complaint	WASPA
Complaint short description	Unsubscription request
Date complaint lodged	03 October 2024
Date of alleged breach	Date of unsubscribe request
Applicable version of the Code	17.9
Clauses of the Code cited	5.14, 7.5 & 24.24
Related complaints considered	# 60560, # 60723
Fines imposed	R 5 000.00 for its breach of Section 5.14, suspended for 6 months 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	N/A
Is this report notable?	Not notable

Summary of notability	N/A
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Initial complaint

The Complainant lodged a complaint on the 3rd of October 2024, escalating one unsubscribe queries for failure by the Member to respond to the unsubscribe query, and further failure to provide logs as requested.

Member's response

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

"The ticket is closed, and we cannot update on the system. The user was not billed as per the logs attached which have been extracted from the MTN DEP System"

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

Decision

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

The Member 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.

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, suspended for 6 months
- 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.

Matters referred back to WASPA

None
