Wireless Application Service Provider Association

REPORT OF THE ADJUDICATOR

WASPA Member (SP):	HR Computek (Pty) Ltd
Information Provider (IP):	Not applicable
Service Type:	Subscription
Complainant:	Public
Complaint Number:	21538
Code Version:	12.4
Advertising Rules Version:	Not applicable

Complaint

In essence, the complainant submitted that he was subscribed to the service in question without his consent.

Service provider's response

The SP failed to respond.

Sections of the Code considered

11.2.1. Customers may not be automatically subscribed to a subscription service as a result of a request for any non-subscription content or service. Customers may not automatically be subscribed to a subscription service without specifically opting in to that service.

Decision

On receiving this matter I was also charged with a similar matter of 21304. In that matter, the SP did respond, but failed to explain how the complainant had been subscribed. I asked the SP for further explanation of how the subscription did in fact occur, in the hope that it would shed light on both that matter and the matter at hand. No further explanation was forthcoming.

I therefore have no alternative but to conclude that the complainant was subscribed to the service without his consent.

This is a flagrant breach of Clause 11.2.1.

Sanctions

The SP in this matter has breached clause 11.2.1 and has failed to provide any explanation whatsoever for what occurred. The matter is aggravated by the SP's failure to engage with WASPA at all on this matter.

I therefore sanction the complainant to:

A R100 000 fine in respect of this matter.