



REPORT OF THE ADJUDICATOR

WASPA Member: HR Computek

Service Type: Subscription

Complainant: Public

Complaint Number: 21667

Code Version: 12.4

Advertising Rules Version: Not applicable

Complaint

The complainant lodged an unsubscribe request, and noted that he had not subscribed to the service.

Service provider's response

The WASP unsubscribed the complainant, but did not pay a refund, provide proof of subscription, or respond to the complaint.

Sections of the Code considered

I consider the following sections of the Code to be relevant:

3.1.1. Members will at all times conduct themselves in a professional manner in their dealings with the public, customers, other wireless application service providers and WASPA.

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

The WASP in this matter has ignored communications from WASPA. This is either wilfully, or because they have failed to keep WASPA updated as to their contact details.

In either event, this is in breach of Clause 3.1.1. in that it a failure to conduct themselves in a professional manner in their dealings with WASPA.

In the absence of any evidence from the WASP, I must accept the complainant's version of events, which is that he never subscribed to the service.

There is therefore a prima facie breach of Clause 11.2.1, and nothing before me to contradict this conclusion.

Sanctions

I sanction as follows:

1. In respect of the breach of Clause 3.1.1, a fine of R50 000 payable within 7 days of receipt hereof;
2. In respect of the breach of Clause 11.2.1, a full refund to the complainant, and a fine of R25 000;
3. In the event that the WASP continues to ignore communication on this matter from WASPA, a full suspension of their services.