



REPORT OF THE ADJUDICATOR

WASPA Member (SP):	Vodacom Service Provider
Information Provider (IP):	Not applicable
Service Type:	Unsubscribe Request
Complainants:	Patricia Damonse
Complaint Number:	4728
Code Version:	5.7
Advertising Rules Version:	N/A

Complaint

The Complainant lodged the following complaint:

The appended unsubscribe request was logged on the WASPA unsubscribe system and due to the fact that the complainant was not satisfied with the response the query was escalated to a formal complaint. Complainant requested a refund.

The following actions were requested:

- SP requested to unsubscribe customer
 - SP requested to send an SMS confirming this unsubscribe
 - SP requested to provide proof of subscription
 - SP requested to contact customer regarding a refund
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Service provider's response

Despite several attempts by the WASPA Secretariat, the SP did not provide any sufficient response.

Sections of the Code considered

13.3.4. The member will be given five working days to respond to the complaint, and to provide any additional information the member deems relevant to the complaint.

13.3.5. If the member fails to respond within this time period, it will be assumed that the member does not wish to respond.

Decision

In adjudicating a matter the Adjudicator has to rely on the information submitted and hence presented to him/her. The Adjudicator has taken note of the Complaint.

It seems clear that the SP did not provide the Secretariat with any sufficient response and would it then suffice from section 13.3.4 that the SP does not wish to respond.

In the absence of any sufficient response from the SP the Adjudicator has no alternative but to uphold the Complaint.

Sanctions

In determining an appropriate sanction, the following factors were considered:

- The prior record of the SP with regard to breaches of the relevant sections of the Code of Conduct;
- The SP's subsequent conduct in eradicating any breaches; and
- The SP's failure to take appropriate remediation actions.

The Adjudicator did take note of the fact that the SP in this matter contacted the Complainant. It is also noted that the SP tried to resolve the matter but no practical actions were taken on behalf of the SP to refund the Complainant.

In light thereof, the SP is given a formal reprimand and ordered to issue the Complainant with a **full** refund for any subscription services rendered in this matter within five days of receiving notification hereof.

The SP is also to review its system to ensure that similar malfunctions do not occur, and provide the WASPA Secretariat with a full report on why the deductions took place in the said manner. This report should be made available to the WASPA Secretariat within 14 days of receiving notification hereof.
