



## REPORT OF THE ADJUDICATOR

|                                              |                      |
|----------------------------------------------|----------------------|
| <b>WASPA Member (SP)</b>                     | RMCS (Pty) Limited   |
| <b>Information Provider (IP)</b><br>(if any) |                      |
| <b>Service Type</b>                          | Subscription service |
| <b>Source of Complaints</b>                  | R Anthony            |
| <b>Complaint Number</b>                      | 8173                 |
| <b>Date received</b>                         | 26 November 2009     |
| <b>Code of Conduct version</b>               | 8.0                  |

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### Complaint

The complainant logged an unsubscribe request on the WASPA unsubscribe system on 17 November 2009. No response was given to the request and the matter has been escalated as a formal complaint for adjudication.

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### SP's response

No response was received from the SP to the initial unsubscribe request and/or this complaint.

The WASP responsible for providing billing services to the SP took an independent decision to remove the complainant's number from the next billing run for the SP and advised that no further billing would take place.

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## **Sections of the Code considered**

### Section 11.5.12

If a consumer lodges a request with WASPA to be unsubscribed from a subscription service, the WASPA member concerned must honour that request within two working days (48 hours) of that request being passed on by WASPA.

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## **Decision**

The SP has breached section 11.5.12 of the WASPA Code of Conduct. The complaint is accordingly upheld.

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## **Sanction**

There have been no previous complaints lodged against the SP.

The SP's non-response to both this complaint and the original unsubscribe request is viewed in a serious light.

The following sanctions are given:

1. The SP is fined R 100 000.00.
2. The SP is ordered to provide proof of subscription in respect of the complainant's number.
3. Should it fail to do so, the SP is then ordered to refund all amounts charged to the complainant's account.