

This is a summary of the decision of the Commissioner.

The Data Protection Office received a complaint from Complainant against Respondent regarding unsolicited promotional SMS messages received from other countries. Complainant declared that:

- She agreed to receive information about local promotions, however, she is receiving information from Respondent of other countries while she did not agree to be on their mailing list.
- She received too much promotional SMS messages from a foreign number too often and late at night without being able to opt-out immediately.

This office immediately started an inquiry and wrote to Respondent to request the latter to take urgent action to remedy the situation based on the allegations made by Complainant.

Respondent replied to this office and requested this office to provide the contact details of the Complainant so as to remove their details from the promotional subscription list.

Subsequently, an email was sent to the Complainant to inform her that this office has contacted Respondent and that the latter needed her contact details so that she can be removed from the promotional subscription list.

By way of an email, Complainant replied to this office as follows:

“Thank you for your follow-up. The needful has been done and I do not receive any more SMS messages from Respondent anymore...”

The Data Protection office informed Respondent that Complainant has confirmed that she is no longer receiving SMS messages from Respondent anymore, and was requested to confirm whether the same measures have been taken for people of Mauritius, who do not want to receive unsolicited promotional SMS messages from Respondent of other countries, and whether the opt-out services are fully functional in our country.

Respondent replied to this office by providing the 3 options that a person can undertake to opt out from the promotional subscription list.

In light of the above, and since satisfactory measures have been implemented by Respondent to remedy the breach, no offence is found committed under the Data Protection Act and the enquiry is successfully closed.