



MEF's Business SMS Code of Conduct

Code Compliance is overseen by a Compliance Committee. Current members include representatives from

- Chris Davies – independent lawyer
- Global Leadership Forum
- Risk and Assurance Group
- WASPA

MEF is the administrator of the Compliance Committee and Complaints Procedure per Clause 12 of the Code of Conduct and as outlined below.

Complaints should be submitted via messaging@mobileecosystemforum.com

- 1.** A “complaint” is defined as a complaint against a Code signatory or a notification of a breach of a previous Compliance Committee adjudication.
- 2.** Complaints have no appeal. The Compliance Committee decisions are final.
- 3.** Any complainant may lodge a complaint against any Code signatory who, in the view of the complainant, has acted contrary to the provisions of this Code.
- 4.** A complainant must lodge a complaint directly and solely based on the incident and breach of the Code.
- 5.** A complaint may be directed at more than one signatory.
- 6.** A complaint must be made within six months of the date of alleged breach of the Code. The Compliance Committee may, at its discretion, accept a complaint after this six-month window, if the complainant provides a compelling reason for the delay in lodging the complaint.

- 7.** Any complaint must be lodged with MEF as administrator of the Compliance Committee using the complaint procedure information published on MEF's website.
- 8.** The Complainant must not disclose any information about the complaint or the contents thereof.
- 9.** In order to be reviewed by the Compliance Committee, as a minimum the complaint must contain the following information:
 - the Company name of the Code signatory against whom the complaint is being made, or if its identity is not clear some other identifying information;
 - the names and contact details of the complainant;
 - to the extent that the information is known or available, identification of the part or parts of the Code which has allegedly been breached; and
 - a detailed description of the actions or inactions that resulted in the alleged breach.
- 10.** Any complaint lodged that does not contain the above information may be referred back to the complainant by MEF with a request to provide the missing information.
- 11.** Notwithstanding if the complainant has not identified any or all of the relevant clauses of the Code, MEF may assign the relevant clauses based on the content provided. The complaint and subsequent response and adjudication will be limited to those clauses identified by either the complainant or MEF at the start of the matter.
- 12.** The Compliance Committee will not consider a complaint if it:
 - does not address a Code signatory
 - falls outside the remit of the Code
 - is prima facie without merit, or
 - is without sufficient grounds, taking into account factors such as malicious intent or made in bad faith.
- 13.** If a complainant requests anonymity, the complainant's identity may, in exceptional circumstances, be withheld from the signatory at the discretion of the Compliance Committee. If the committee decides not to grant such anonymity, the complainant will be given a choice as to whether they wish to proceed.
- 14.** At any point in the complaints process, a complainant may request via MEF that a complaint is withdrawn and MEF must comply with this request. However, if there is prima facie evidence of a breach of the Code which may affect consumers, the Compliance Committee is entitled to pursue a new complaint against the relevant Code signatory and may use any evidence submitted by the original complainant as part of the new complaint.
- 15.** If the Compliance Committee believes that a complainant has not provided sufficient evidence for the Compliance Committee to be able to make a decision, the Compliance Committee may

request that additional supporting information is provided. Should the complainant fail to provide the requested information, the Compliance Committee may close the complaint without it proceeding to adjudication.

- 16.** The Code signatory named in the complaint or identified by the Compliance Committee on the basis of any identifying information included in the complaint is considered to be the respondent to the complaint. The respondent will be notified that a complaint has been lodged and that the Code's formal complaint procedure is being followed.
- 17.** MEF on behalf of the Compliance Committee will provide the respondent with a copy of the complaint, and any additional information relevant to the complaint.
- 18.** The respondent will be given ten (10) working days to respond to the complaint, and to provide the Compliance Committee with any information the respondent deems relevant to the complaint, including any mitigating factors that the respondent wishes the Compliance Committee to consider. If the respondent so requests, an extension to this time period may be given at the discretion of the Compliance Committee.
- 19.** Where a complaint involves any interaction with a customer or business partner, when requested to do so, the respondent must provide copies of relevant interactions and associated materials.
- 20.** Providing incorrect or fraudulent information in response to a complaint or in response to any other request to provide information is itself a breach of the Code.
- 21.** If the respondent fails to respond within 10 (ten) working days, it will be assumed that the respondent does not wish to respond.
- 22.** Once (and if) the respondent has provided a response to the complaint, this response may be shared with the complainant. The complainant will be given five (5) working days to provide a response to the respondent's submission. If the complainant so requests, an extension to this time period may be given at the discretion of the Compliance Committee.
- 23.** Once (and if) the complainant provides a response to the respondent's submission, this response will be provided to the respondent. The respondent will be given five (5) working days to provide a further response to the complainant's submission. If the respondent so requests, an extension to this time period may be given at the discretion of the Compliance Committee.
- 24.** MEF will present the complaint to the Compliance Committee, together with all materials submitted by the parties to the complaint.

25. At least two members of the Compliance Committee will review the complaint. The lead reviewer is responsible to review the complaint and a second member will review the recommendations of the lead reviewer. The lead reviewer is assigned on a rotational basis by MEF.

26. Members of the Compliance Committee will review:

- the complaint;
- any responses the respondent(s) and complainant have made to the complaint; and
- referencing the version(s) of the Code applicable at the time of the alleged breach.

27. If, during the investigation of the complaint, members of the Compliance Committee identify potential breaches of clauses of the Code which were not specified in the complaint, the Compliance Committee may not rule on those clauses but may refer those potential breaches back to MEF. A new complaint against the Code signatory relating to the identified clauses may then be lodged.

28. Members of the Compliance Committee may only make a ruling against the Code signatory(ies) identified as the respondent(s) to the complaint. If, during the investigation of the complaint, the Compliance Committee identifies potential breaches of clauses of the Code by a Code signatory other than the respondent(s), MEF may decide to lodge a new complaint against that signatory.

29. On the basis of the evidence presented, the Compliance Committee will decide whether there has been a breach of the clauses of the Code identified in the complaint. Each case will be considered and decided on its own merits. When making adjudications, previous precedent should be taken into account.

30. If the Compliance Committee determines that there has been a breach of the Code, then the Compliance Committee must determine appropriate sanctions. The Compliance Committee must take into consideration:

- any previous successful complaints made against the respondent in the past three years;
- any previous successful complaints of a similar nature;
- the nature and severity of the breach;
- the losses suffered by consumers, the complainant or any other parties involved;
- any efforts made by the respondent to resolve the matter; and
- any other factors that the Compliance Committee considers material.

31. Once the Compliance Committee has determined whether there has been a breach of the Code, and any sanctions, the Compliance Committee will provide MEF with a written report detailing these findings including any sanctions. It is expected that this process takes no longer than thirty (30) working days. MEF will

provide the respondent and the complainant with access to the Compliance Committee's report.

32. The respondent must provide MEF with written confirmation of compliance with any applicable sanctions within ten (10) working days of receiving the Compliance Committee's report.

33. MEF will maintain a record of any and all complaints resolved through this complaint procedure, for a minimum period of three years after the complaint is closed.