

23 June 2025

**Director-General****Department of Trade, Industry and Competition****Attention: Mr Sibusiso Sasayi**Per email: [consumers@thedtic.gov.za](mailto:consumers@thedtic.gov.za), [ssasayi@thedtic.gov.za](mailto:ssasayi@thedtic.gov.za)

Dear Sir

**SUBMISSIONS ON THE DRAFT CONSUMER GOODS AND SERVICES CODE**

1. The Internet Service Providers' Association (ISPA) has noted the invitation to comment on the Draft Consumer Goods and Services Industry Code ("**the Draft Code**") and sets out its comments below.

**About ISPA**

2. ISPA is a South African internet industry body formed in 1996 to further the interests of the internet access and service provider industries. ISPA currently has [two hundred and thirty \(230\) members](#) and is one of the largest representative bodies for electronic communications service (ECS) and electronic communications networks service (ECNS) licensees in the industry.
3. In May 2009 ISPA was recognised as an Industry Representative Body (IRB) by the Minister of Communications and Digital Technologies in terms of Chapter 11 of the Electronic Communications and Transactions Act 2002 ("**the ECT Act**").
4. It is a requirement for recognition as an IRB that ISPA satisfy the Minister on an ongoing basis that:
  - 4.1. its members are subject to a code of conduct;
  - 4.2. membership is subject to adequate criteria;
  - 4.3. the code of conduct requires continued adherence to adequate standards of conduct; and
  - 4.4. the representative body is capable of monitoring and enforcing its code of conduct adequately.
5. Government has gazetted the standards of conduct which it regards as adequate in [Guidelines for Recognition of Industry Representative Bodies of Information System Service Providers \("the IRB Guidelines"\)](#).
6. [ISPA's Code of Conduct](#) complies with and reflects the standards of conduct required by the IRB Guidelines.
7. ISPA has amended its Code of Conduct since 2009 to ensure that it remains consistent with legislative developments and international best practice. Any amendments to the ISPA Code must receive the

prior approval of the Minister to ensure that the Code at all times remains aligned with the IRB Guidelines.

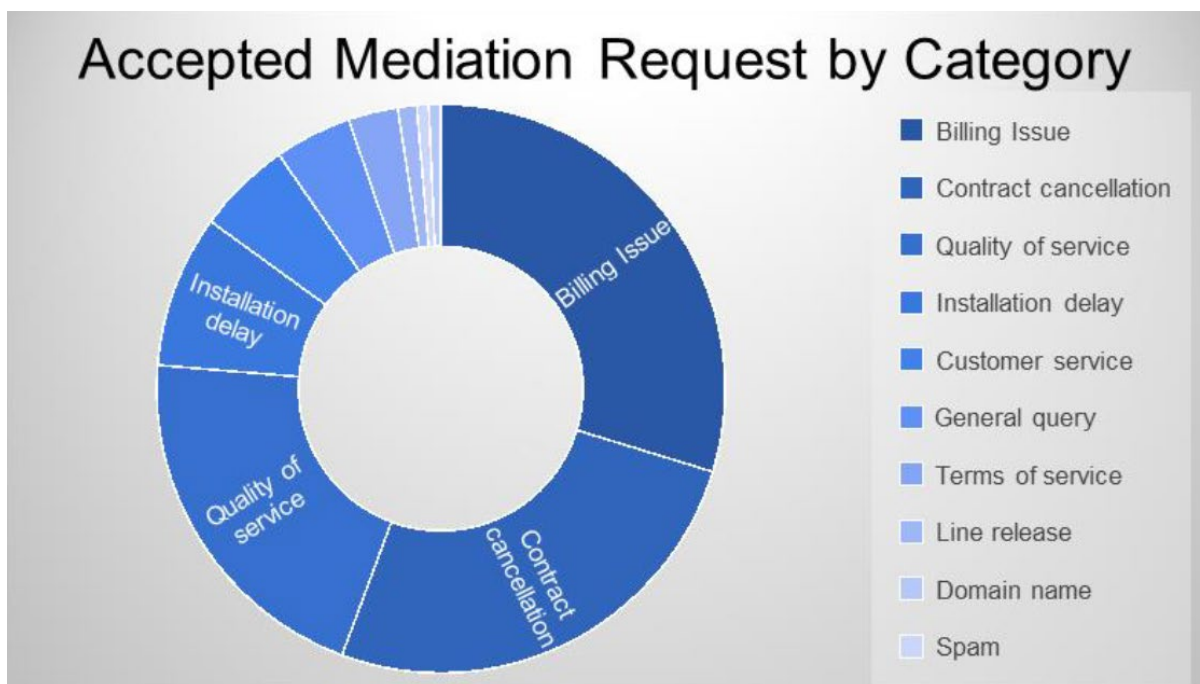
8. Under this co-regulatory model, it is a condition for continued recognition as an IRB by the Minister that ISPA submits an annual report to the Minister on:
  - 8.1. membership of the IRB
  - 8.2. statistics on take-down notices received
  - 8.3. statistics on complaints received by the IRB
  - 8.4. any disciplinary action taken against members, and
  - 8.5. any other information the Minister may require from time to time.
9. A copy of the “Industry Representative Body (IRB) Report of the Internet Service Providers’ Association NPC for the period January - December 2024” submitted to the Minister in February 2025 forms part of this submission so as to allow the DTIC to review ISPA’s activities in detail.

#### **ISPA’s role in resolving consumer complaints**

10. ISPA plays a leading role in consumer protection and dispute resolution arising in the delivery of electronic communications and related services by its members. This encompasses both an informal and a formal dispute resolution process.
11. ISPA has been operating a consumer mediation process since 2019 as a mechanism to resolve as many consumer complaints and disputes as rapidly as possible.
12. During the mediation process, ISPA’s staff members work with the complainant and the relevant member to resolve the matter under dispute in a manner that is acceptable to both parties.
13. A focus on the upfront collection of detailed information from consumers has meant that ISPA’s members are usually able to provide a rapid resolution to the complaint.
14. The process has a high success rate, but where mediation does not result in an acceptable outcome and there is a potential infringement of the ISPA Code of Conduct, the complainant is provided with the option of proceeding with a formal Code of Conduct complaint.

#### *Mediation process statistics*

15. In 2024, ISPA received one thousand nine hundred and twenty-eight (1928) mediation requests (representing an average growth of 15% year-on-year). Of these:
  - 15.1. One thousand and twenty-seven (1027) were accepted.
  - 15.2. Nine hundred and one (901) were rejected either because insufficient information was provided, the company involved was not an ISPA member, or the request did not relate to an internet service.
16. The chart below reflects how ISPA classified complaints that were accepted:



17. For the accepted mediation requests, the outcome was as follows:

- 17.1. Four hundred and eighty-seven (487) were confirmed as successfully resolved using the mediation process.
- 17.2. Two hundred and fifty-one (251) were passed on to the relevant member, but the complainant subsequently ceased communication, so ISPA was unable to confirm resolution. This usually indicates a successful resolution, but where the customer doesn't perceive any value in confirming this with ISPA.
- 17.3. One hundred and seventy-one (171) were withdrawn by the complainant during the process of gathering additional information about the problem. This usually indicates that the service provider has already resolved the problem.
- 17.4. Forty-five (45) could not be resolved using the mediation process and were escalated to formal complaints.
- 17.5. Forty-one (41) could not be resolved using the mediation process and were closed without further action.
- 17.6. Thirty-two (32) were still pending final resolution at the time of submitting the last Report to the Minister.

#### *Formal dispute resolution statistics*

18. ISPA does not limit the use of the mediation process to alleged breaches of the ISPA Code of Conduct. A consumer is welcome to make use of the mediation process for any service issue relating to an ISPA member. This means that only a small proportion of matters that cannot be resolved by mediation are eligible for the formal complaints process. There must be an allegation that a member has acted in breach of one or more clauses of the Code of Conduct for a formal complaint to be lodged.

19. In 2024, only 4% (45) of the total mediation requests were escalated to formal complaints. Of these twenty-eight (28) had been adjudicated at the time of the last Report to the Minister while nine (9) were withdrawn by the complainant.
20. Of the twenty-eight (28) complaints reviewed by an independent adjudicator:
  - 20.1. Nineteen (19) were upheld or partly upheld by the adjudicator
  - 20.2. Nine (9) were dismissed by the adjudicator.
  - 20.3. In nine (9) of the upheld adjudications, the adjudicator imposed fines as part of the sanctions, which ranged from R1 000 to R10 000.
21. ISPA's processes allow either the complainant or the member (or both) to motivate to ISPA's Operations Committee for the hearing of an appeal against the decision of an independent adjudicator. If the Operations Committee believes that an appeal has a reasonable prospect of success an appeal will be allowed and heard by a panel of three independent adjudicators.
  - 21.1. Eleven (11) appeals were logged during 2024. At the time of the last Report to the Minister two (2) appeals had been finalised by an appeals panel, which chose dismissed both and confirmed fines of R5 000 imposed by the adjudicators for each of these matters.
22. ISPA has established itself as a trusted and effective vehicle for dispute resolution relating to services provided by its members.

#### **ISPA's role in protecting consumers through the take-down notice process**

23. Section 77 of the ECT Act deals with take-down notices.
24. The take-down notice process is a mechanism for law enforcement officials, rights holders, or members of the public to notify an ISP about alleged unlawful content on their network. If the service provider acts expeditiously to remove or disable access to that content, then the service provider has limited liability for that content.
25. ISPA handles take-down notices on behalf of its members. The process effectively removes 3-4 problematic websites with high potential for consumer harm from the internet every week.
26. Full details of take-down notices lodged and how these were handled are included in the attached Report while ISPA also maintains [statistics on numbers and kinds of take-down notices it receives](#).

#### **Current engagement with the CGSO**

27. ISPA is currently engaging with the office of the CGSO on the finalisation of a memorandum of understanding (MOU) relating to the referral of complaints falling within ISPA's jurisdiction to ISPA by the CGSO. An initial meeting with the office of the CGSO provided detailed information on ISPA's role in resolving consumer complaints.
28. ISPA confirms that it has had previous engagements with ICASA regarding industry consumer complaints, but no formal relationship has been entered into.
29. A difficulty in finalising the referral MOU is the lack of detailed processes for referrals as between ICASA and the CGSO. The MOU entered into between these two entities provides for such detailed processes but to the best of ISPA's knowledge these have not been agreed upon.

30. ISPA has below suggested steps which can be taken to address consumer confusion and complaints referrals.

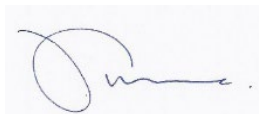
### **Scope of the Code**

31. ISPA notes the exclusion of “electronic communications services as defined in section 1 of the Electronic Communications Act” from the application of the Code.
32. In ISPA’s understanding:
- 32.1. holders of electronic communications service (ECS) licences are accordingly not required to subscribe to the CGSO Code.
  - 32.2. holders of ECS licences are likewise not included in the definition of “Participants”.
33. ISPA understands that this exclusion would also exclude the Supply Chain for the delivery of ECS, which includes electronic communications network services (ECNS) licensees and providers of electronic communications facilities. Neither of these groups of company provide services directly to the public in the ordinary course of business.
34. ISPA wishes to highlight that it has developed [best practice guidelines to inform the relationship between ECS and ECNS licensees](#) (for example, between ISPs and the fibre network operators (FNOs) over whose networks ISPs sell services) with a specific focus on consumer protection. ISPA actively engages with ECNS licensees on pain points for consumers and issues media releases for consumer education purposes.
35. Further ISPA provides its members with specific advice on compliance with provisions of the Consumer Protection Act relevant to the provision of ECS and related services in the form of advisories and regulatory briefings.

### **Conclusion**

36. As noted above, ISPA is busy engaging with the office of the CGSO to finalise a complaints referral protocol.
37. ISPA is aware that there is significant confusion amongst consumers about the appropriate body to approach for redress where they have complaints relating to ICT services.
38. ISPA suggests that it would be massively beneficial to consumers in the space if the CGSO, ICASA, ISPA and other entities offering dispute resolution services to consumers in the ICT space could meet to develop clear guidelines for:
- 38.1. Consumers on where to direct their complaint
  - 38.2. Regulators and regulatory bodies on how to assess and where to refer consumer complaints (this includes finalising details for referrals as contemplated in the MOU entered into between the CGSO and ICASA).
39. ISPA trusts that the above is helpful and looks forward to further engagement.

Regards

A handwritten signature in blue ink, appearing to be 'D. M.', on a light blue background.

pp ISPA Chair



**Industry Representative Body (IRB) Report**  
of the  
**Internet Service Providers' Association NPC**  
for the period  
**January - December 2024**

Submitted in accordance with the requirements set out in the  
*Guidelines for Recognition of Industry Representative Bodies of  
Information System Service Providers* in Government Notice No. 1283  
published in the Government Gazette on 14 December 2006

---

## Table of Contents

1. Introduction	3
2. Membership	4
3. Fellowship programme	5
4. Take-down notice statistics	6
5. Comparison to 2023	10
7. ISPA consumer mediation process	11
8. Mediation process statistics	12
9. Formal complaint statistics	13
10. Compliance monitoring and enforcement	14
11. Steps taken against non-compliant members	16
12. Support for the Department of Justice and Constitutional Development	16
13. CSIRT.net.za – the Internet Sector CSIRT	16
14. Conclusion	17
15. Adoption of this report	17



The Honourable Minister Mmobha Solomon Malatsi  
Minister of Communications and Digital  
Technologies  
Private Bag X860  
Pretoria, 0001

Sent via email:  
[ministry@dtps.gov.za](mailto:ministry@dtps.gov.za)  
Ms. Mpho Matiwane  
Chief of Staff, [MMatiwane@dcdt.gov.za](mailto:MMatiwane@dcdt.gov.za)

2025-02-28

## ***ISPA Industry Representative Body (IRB) Report: January - December 2024***

### **1. Introduction**

The Internet Service Providers' Association NPC ("ISPA") is a South African internet industry body formed in 1996 to further the interests of the internet access and service provider industries. ISPA currently has two hundred and thirty (230) members, comprising of Backbone, Large, Medium, and Small internet service and access providers in South Africa and is accordingly one of the largest representative bodies for Electronic Communications Service (ECS) and Electronic Communications Networks Service (ECNS) licensees in the industry.

During the course of 2001 and 2002, ISPA developed a Code of Conduct governing its members. This Code was formally adopted by ISPA's membership during the association's Annual General Meeting in September 2002. A number of revisions have been made to the Code during the intervening years, initially to comply with the Guidelines for Recognition of Industry Representative Bodies of Information System Service Providers (IRB Guidelines), as defined in Chapter XI of the Electronic Communications and Transactions Act, 2002 (ECT Act) and subsequently to ensure that the Code remains consistent with legislative developments and international best practice. This is in line with the following requirements of the ECT Act:

*71. (2)(c): "the code of conduct requires continued adherence to adequate standards of conduct".*

On 20th May 2009, ISPA was formally recognised as an IRB by the then Minister of Communications. ISPA notes that the IRB Guidelines state that:

*It shall be a condition for continued recognition by the Minister that the IRB shall provide an annual report by 28 February to the Minister on:*

- (a) membership of the IRB;*
- (b) statistics on take-down notices received;*
- (c) statistics on complaints received by the IRB;*
- (d) any disciplinary action taken against members; and*
- (e) any other information the Minister may require from time to time.*

In fulfilment of ISPA's reporting obligations for continued recognition by the Minister, we are pleased to present the following report for the 2024 calendar year (2024-01-01 to 2024-12-31).

## 2. Membership

Previously a Voluntary Association, ISPA was incorporated as a Not-for-Profit Company on 1 June 2016. The membership structure was amended in parallel to accommodate the broadening in scope noted over the years and to assist with the transition to the new organisation. The three (3) basic criteria for qualifying as a member are:

1. Does the provision of internet services to other persons or unrelated entities form part of the organisation's business?
2. Does the organisation provide internet services in South Africa?
3. Is the organisation willing and able to comply with ISPA's Code of Conduct?

It should be noted that "internet services" is deliberately broad terminology, including any organisations active in the internet sector.

Anyone providing internet services in South Africa is welcome to apply for ISPA membership. All members (voting or non-voting) are required to select from one of the following categories of membership. However, only members in the business of providing internet access or operating internet infrastructure qualify as voting members:

- Backbone member
- Large member
- Medium member
- Small member

At the time of the last report (February 2024), ISPA had the following number of members in each membership category, for a total of two hundred and thirty-one (231) members:

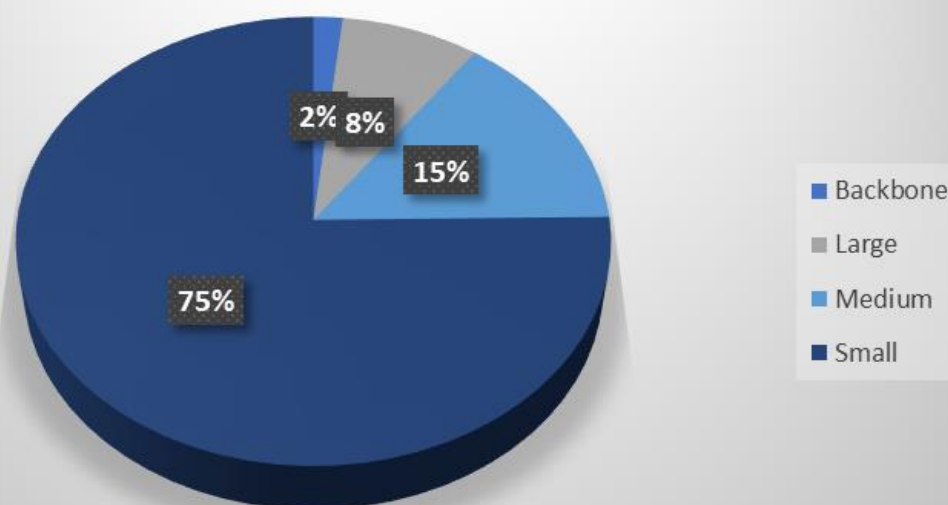
- Backbone: 4
- Large: 20
- Medium: 35
- Small: 172

At the time of this report (February 2025), ISPA has the following number of members in each membership category, for a total of two hundred and twenty-nine (229) members:

- Backbone: 4
- Large: 19
- Medium: 34
- Small: 172

A full list of current ISPA members is included as [Appendix A](#).

## ISPA Members (February 2025)



### 3. Fellowship programme

In late 2019, ISPA launched a Fellowship programme. This recognises professionals in the internet services sector and provides individuals with access to information, activities and events, without requiring that those individuals join ISPA as members. ISPA's members benefit from this programme by gaining access to a broader pool of industry professionals, and through the contributions made by Fellows to ISPA's structures and submissions. Unlike an ISPA Member, an ISPA Fellow is not entitled to vote on ISPA matters, or participate in the election of ISPA office bearers. ISPA Fellows are encouraged to consider volunteering on ISPA working groups and structures, where appropriate.

Individuals recognised by ISPA as ISPA Fellows gain the following benefits:

- Association with a credible and recognised internet industry body
- Opportunities to network and interact with ISPA members
- Ability to contribute to ISPA's submissions on internet policy
- Access to the ISPA document library
- Access to most ISPA mailing lists available to ISPA members
- Participation in ISPA events, activities and workshops

To date, ISPA has recognised fifty-two (52) Fellows. While there is a nominal annual fee for Fellowships, ISPA's Operations Committee waives fees for upcoming industry professionals and entrepreneurs, particularly those from previously disadvantaged backgrounds. ISPA views the Fellowship programme as a mechanism to improve diversity in the internet sector, as it supports entrepreneurs who may not yet be in a position to afford company membership, but who need access to an industry body for help in developing their business.

#### 4. Take-down notice statistics

Section 77 of the ECT Act deals with take-down notices. The take-down notice process is a mechanism for law enforcement officials, rights holders, or members of the public to notify an ISP about alleged unlawful content on their network. If the service provider acts expeditiously to remove or disable access to that content, then the service provider has limited liability for that content. ISPA handles take-down notices on behalf of its members.

During 2024, a total of six hundred and ninety-two (692) take-down notices were lodged with ISPA.

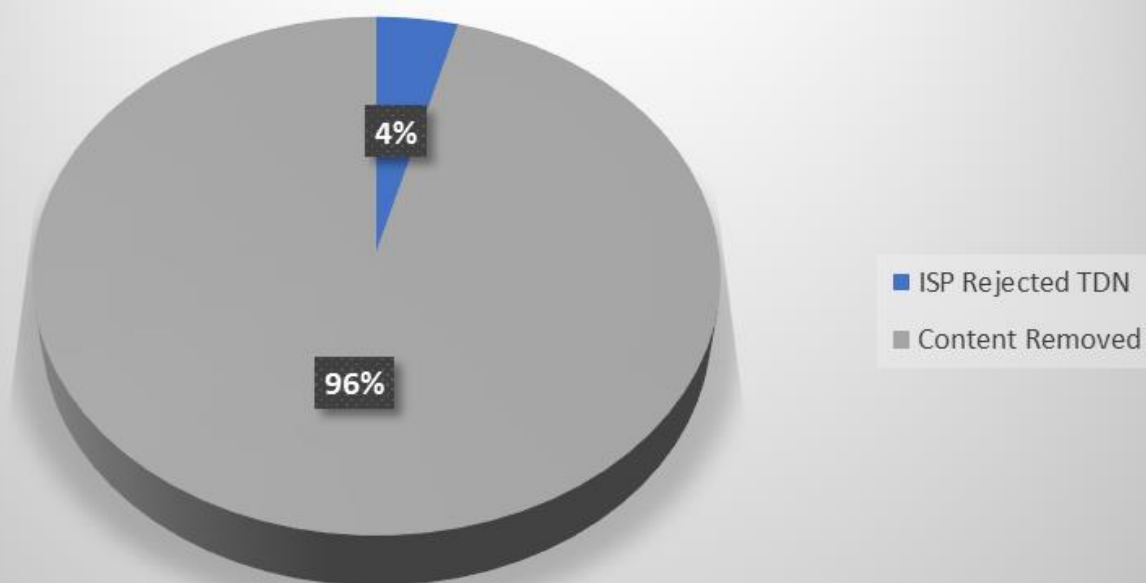
Of these six hundred and ninety-two (692), four hundred and seventy-seven (477) were either withdrawn or rejected by ISPA for the following reasons:

- Three hundred and forty-two (342) fell outside of ISPA's jurisdiction.
  - For one hundred and eighty-eight (188) of these, no ISP was selected by the complainant and ISPA could not link the content to an ISPA member.
  - For one hundred and fifty-four (154) of these, the complainant selected an ISP that was not, in fact, hosting the content.
- Eighty-seven (87) of the notices were for content that did not exist.
  - This typically means that the content-owner had acted on a previous notification of some kind before the complainant lodged a formal take-down notice.
- Twenty-seven (27) of the notices were not feasible for the target ISP to act on.
  - For twenty-one (21) of these, the action requested by the complainant was not technically feasible.
  - For six (6) of these, the complainant did not provide enough information for the ISP to be able to take action.
- Twenty-one (21) of the notices were withdrawn subsequent to lodging.
  - Nine (9) of these were withdrawn after the complainant's attention was drawn to the penalties for a wrongful take-down notice.
  - Twelve (12) of these were withdrawn by the complainant for other reasons.

ISPA accepted two hundred and fifteen (215) take-down notices and passed these on to the relevant members. These notices were resolved as follows:

- For two hundred and six (206) of these notices, the content was removed or blocked either by the ISP's client, or by the ISP.
- Nine (9) take-down requests were refused by the target ISPs.

## Accepted Take-down Notices by Status

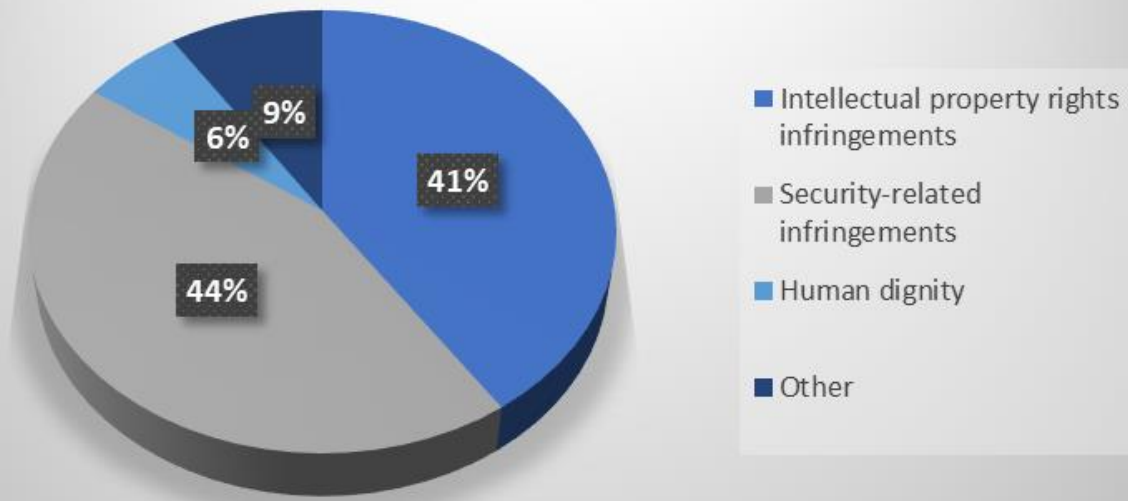


The two hundred and fifteen (215) take-down notices accepted by ISPA were classified in the following categories:

Categories	Detail	Count
Intellectual property rights infringements	Site uses copyrighted material without permission	51
	Site includes content which infringes a trademark	35
	Site makes use of an infringing domain name	1
	Other IP infringement	0
Security-related infringements	Phishing site	14
	Site which contains malware	0
	Site which contains fraudulent information	81
	Site which contains false or fraudulent advertising	0
	Other security	0
Human dignity	Site contains hate speech	0
	Site contains content which amounts to harassment	0
	Site contains defamatory content	11
	Site uses personal information without permission	2

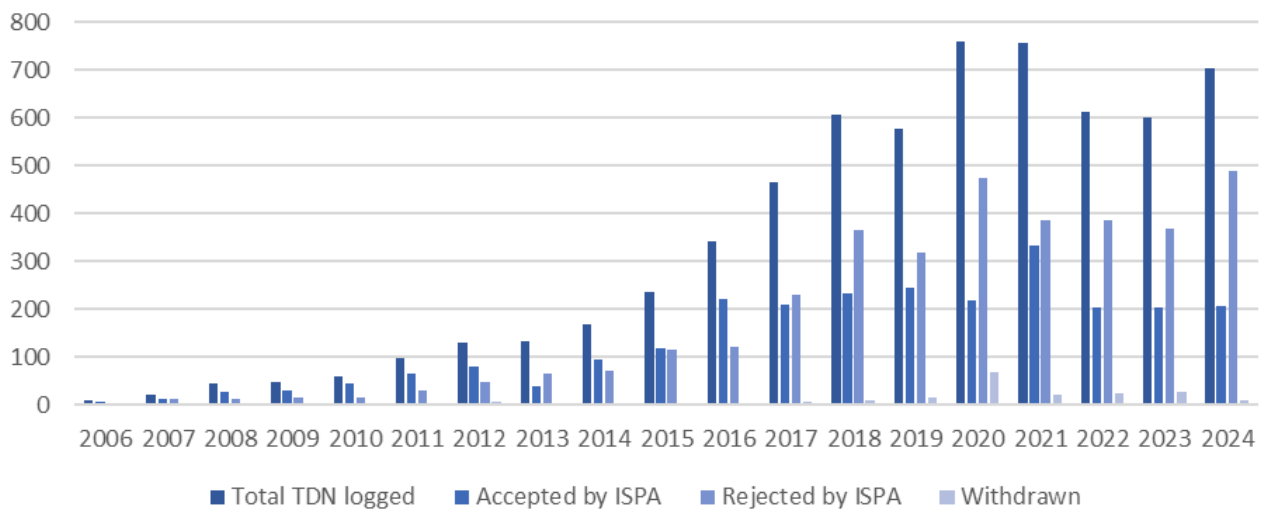
	Other human dignity issue	0
<b>Children</b>	Site contains child sexual-abuse images	0
	Site contains other content harmful to children	0
<b>Other</b>	Other issue	20

## Accepted Take-down Notices by Type

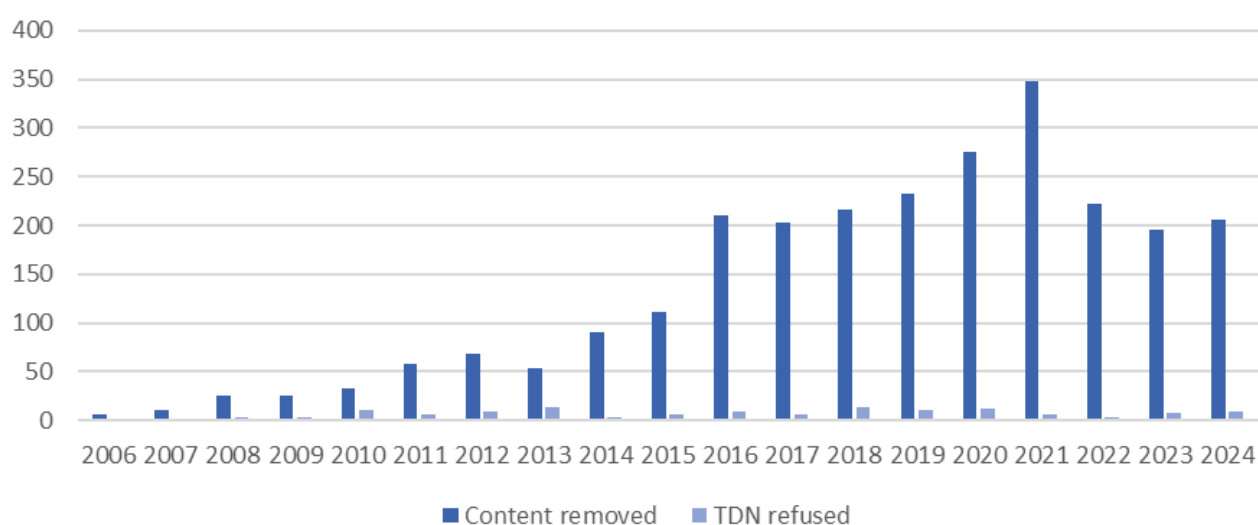


On its website, ISPA publishes statistics on take-down notices covering the last nineteen years.

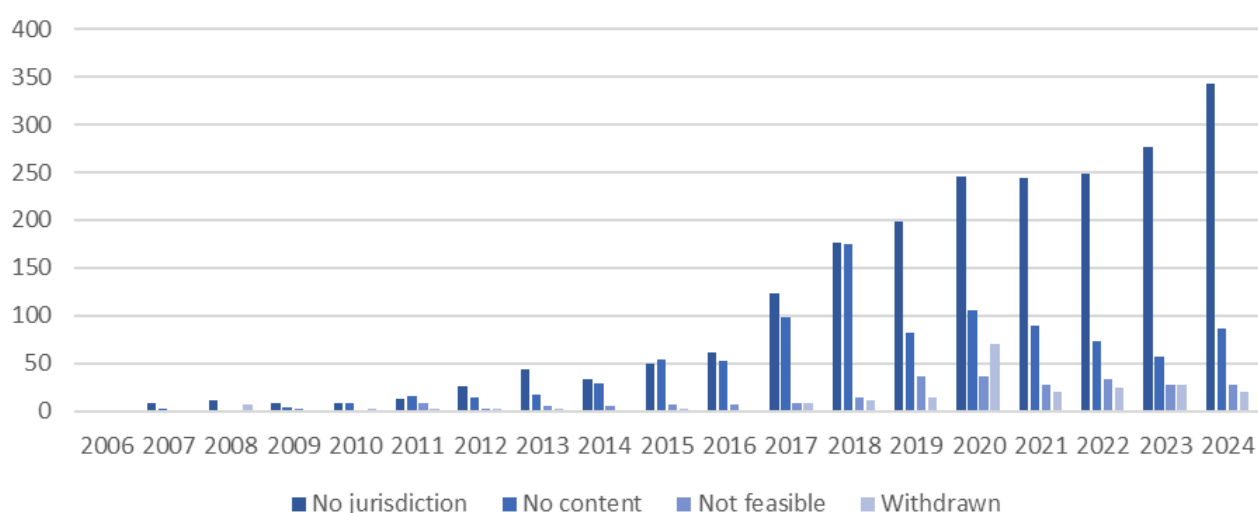
## TDNs Lodged



## Outcome of Accepted TDNs

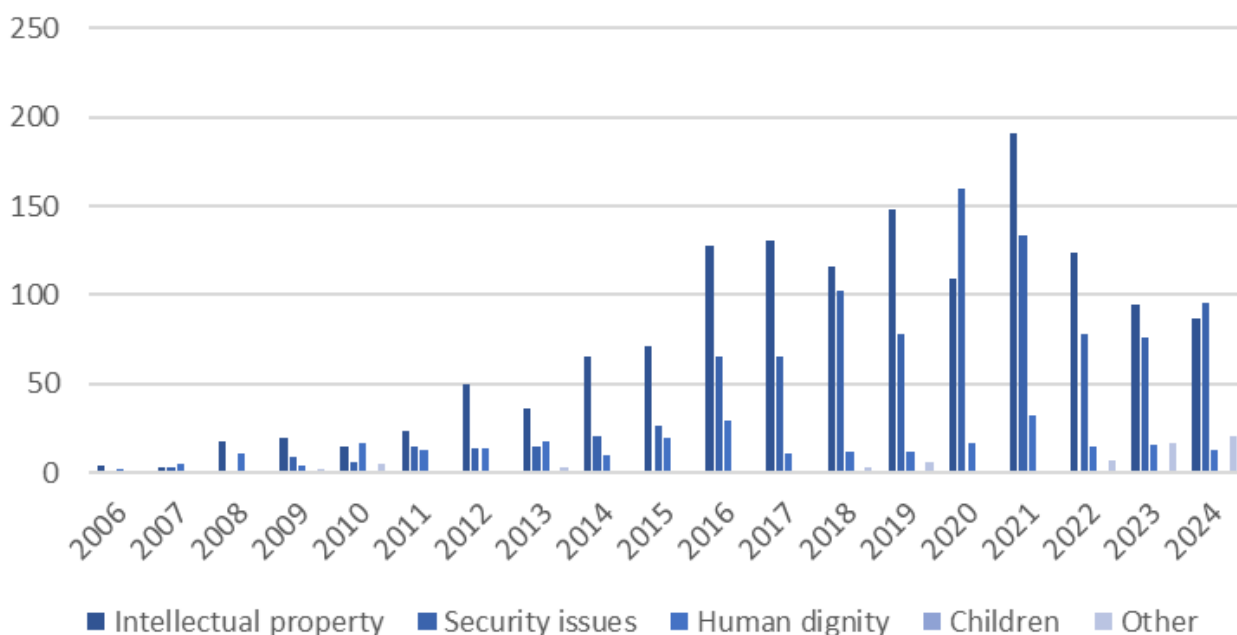


## Reasons for Rejected TDNs





## Classification of Accepted TDNs



### 5. Comparison to 2023

ISPA notes the following observations when comparing this report to 2023 and previous years:

- In 2024, the number of takedown notices saw a notable increase, rising from 600 to 704, representing a 14% growth. Over the past six years, annual volumes have remained steady at around 600. The last comparable increase occurred in 2020-2021, driven by a spike in pandemic-related scams and the resulting takedown notices.
- The number of accepted take-down notices for which the target content is removed remains high, at 96%. ISPs typically reject take-down notices only when there is an exceptional reason for them to do so and, overall, the process remains an extremely effective mechanism for dealing with unlawful content on the South African internet. The process effectively removes 3-4 problematic websites from the internet every week.

Year	Notices with content removed	% removed
2015	111 of 118	94%
2016	211 of 220	96%
2017	201 of 210	96%
2018	216 of 230	94%
2019	233 of 244	95%
2020	275 of 287	96%
2021	348 of 355	98%
2022	222 of 226	98%
2023	195 of 203	96%
2024	206 of 215	96%

## 6. ISPA consumer mediation process

ISPA has been operating a consumer mediation process since 2019 as a mechanism to resolve as many consumer complaints and disputes as rapidly as possible. During the mediation process, ISPA's staff members work with the complainant and the relevant member to resolve the matter under dispute in a manner that is acceptable to both parties. A focus on up-front collection of detailed information from consumers has meant that ISPA's members are usually able to provide a rapid resolution to the complaint, assisting them with customer retention. The process has a high success rate, but where mediation does not result in an acceptable outcome, the complainant is provided with the option of proceeding with a formal Code of Conduct complaint.

Feedback from consumers using the mediation process is typically very positive. Examples of positive feedback received during 2024:

- Thank you so much for your assistance in this matter and the professional etiquette you upheld throughout the process.
- Thanks so much for the assistance in resolving the matter, without ISPA I would have been ignored by the ISP and been further frustrated. An amicable resolve was offered, which would not have been the case without ISPA.
- I wanted to take a moment to express my gratitude for your assistance with my recent query. Thanks to your prompt and helpful response, my issue was swiftly resolved, and I greatly appreciate the support provided.
- My case was solved in no time. I'll definitely recommend your services to others. Thank you so much, I'm a very happy client
- Thank you very much for your efforts in getting this matter resolved, it is really good to see that there is an organization that is doing exactly what they stand for!
- I received such great service from [ISPA], I was treated with the utmost respect and the queries were handled immediately.
- It is such a relief to know that companies like yours, genuinely care and mitigate situations. Without your help, this would have been a very difficult struggle. It is comforting to know that companies like yours, genuinely care and mitigate situations between your members and consumers.
- I am very satisfied and grateful for the assistance received by your organization. Their willingness to assist was out of this world, it's the best service I have ever received from any organization. The process has no problems. You can't win without ISPA.
- Fantastic service and willingness to help thanks so much, will definitely refer ISPA to other people.
- I appreciate all of your support, as well as that of your team, with the account and the timely responses.
- Am fully satisfied. After many months of frustration. My only option was to cancel my subscription and move on to another ISP. This would not resolve the problem. But it is gratifying to learn as an Ombuds for ISP regulates its members to the benefit of consumers.
- Your handling of the issue was exemplary.
- Thank you for all your effort and help in this matter, for without your help this matter would not have progressed as it did.

## 7. Mediation process statistics

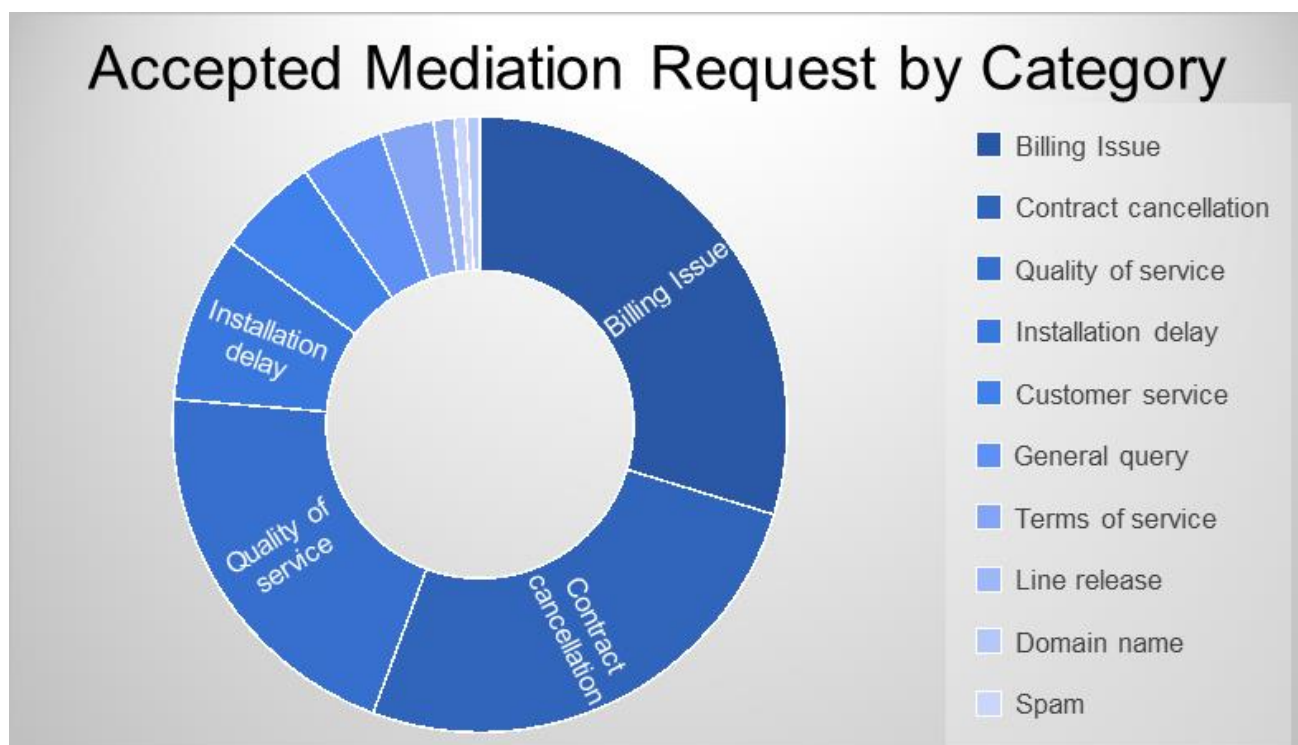
In 2024, ISPA received, one thousand nine hundred and twenty-eight (1928) mediation requests, compared to one thousand six hundred and sixteen (1616) requests in 2023, one thousand three hundred and thirty-three (1333) requests in 2022, one thousand two hundred and sixteen (1216) in 2021 and one thousand and sixty-three (1063) in 2020. This represents an average growth in volume of 15% per year over the last five years. At least part of this growth is a result of word-of-mouth referrals from consumers who have previously made use of ISPA's mediation process.

Of the one thousand nine hundred and twenty-eight (1928) requests ISPA received in 2024:

- One thousand and twenty-seven (1027) were accepted.
- Nine hundred and one (901) were rejected either because insufficient information was provided, the company involved was not an ISPA member, or the request did not relate to an internet service.

ISPA classified the one thousand and twenty-seven (1027) accepted mediation requests as follows:

- Three hundred and five (305) were billing disputes.
- Two hundred and sixty-seven (267) were contract cancellation disputes.
- Two hundred and twelve (212) were quality of service related.
- Eighty-nine (89) related to installation delays.
- Fifty-five (55) were customer service related.
- Forty-five (45) were general queries.
- Twenty-nine (29) related to terms of service.
- Eleven (11) related to the release of an internet line.
- Seven (7) were domain name disputes.
- Seven (7) related to unsolicited commercial email (spam).



For the one thousand and twenty-seven (1027) accepted mediation requests, the outcome was as follows:

- Four hundred and eighty-seven (487) were confirmed as successfully resolved using the mediation process.
- Two hundred and fifty-one (251) were passed on to the relevant member, but the complainant subsequently ceased communication, so ISPA was unable to confirm resolution. This usually indicates a successful resolution, but where the customer doesn't perceive any value in confirming this with ISPA.
- One hundred and seventy-one (171) were withdrawn by the complainant during the process of gathering additional information about the problem. This usually indicates that the service provider has already resolved the problem.
- Forty-five (45) could not be resolved using the mediation process and were escalated to formal complaints.
- Forty-one (41) could not be resolved using the mediation process and were closed without further action.
- Thirty-two (32) were still pending final resolution at the time of writing.

## 8. Formal complaint statistics

ISPA does not limit the use of the mediation process to alleged breaches of the ISPA Code of Conduct. A consumer is welcome to make use of the mediation process for any service issue relating to an ISPA member. This means that only a small proportion of matters that cannot be resolved by mediation are eligible for the formal complaints process. There must be an allegation that a member has acted in breach of one or more clauses of the Code of Conduct for a formal complaint to be lodged. In 2024, only 4% of the total mediation requests were escalated to formal complaints.

A total of forty-five (45) complaints were handled using the formal complaint procedure. All of these were escalated mediation requests.

Of the forty-five (45) formal complaints:

- Twenty-eight (28) have been adjudicated.
- Nine (9) were withdrawn by the complainant.
- Five (5) are awaiting reports from adjudicators.
- Three (3) are still pending assignment to an adjudicator.

Of the twenty-eight (28) complaints reviewed by an independent adjudicator:

- Nineteen (19) were upheld or partly upheld by the adjudicator
- Nine (9) were dismissed by the adjudicator

In nine (9) of the upheld adjudications, the adjudicator saw fit to impose fines as part of the sanctions:

- A fine of R10,000.00 was imposed for one ruling.
- Fines of R5,000.00 were imposed for four rulings.
- Fines of R3,000.00 were imposed for two rulings.
- A fine of R2,000.00 was imposed for one ruling.
- A fine of R1,000.00 was imposed for one ruling.

Eleven (11) appeals were logged during 2024.

- Two (2) appeals were dismissed by appeals panels, who chose to confirm fines of R5,000.00 imposed by the adjudicators for each of these matters.
- Nine (9) appeals are either awaiting assignment to an appeals panel or awaiting a report from an appeals panel. This high number of pending appeals is a result of the majority of 2024 appeals being lodged late in 2024 or in early 2025.

## **9. Compliance monitoring and enforcement**

One of the requirements for ISPA's ongoing recognition as an Industry Representative Body is that of compliance monitoring and enforcement. To ensure that ISPA's members become fully compliant with the requirements of the Code of Conduct, ISPA provides members and applicants for membership with an online Code of Conduct compliance wizard.

The compliance wizard provides a web-based interface for ISPA members to use to verify their compliance with the Code. The following information is collected by the wizard:

- Confirmation that the member has provided two separate contact persons who will deal with referred complaints.
- Confirmation that the member's representative has read each section of the Code of Conduct.
- The web page where the member provides their contact details to the public.
- The web page where the member displays the ISPA logo and a link to the Code of Conduct.
- Links to any policies for acceptable or fair use for internet access service.
- Indication of how terms and conditions are made available to customers and/or potential customers.
- An email address to which spam can be reported.
- The web page where the member provides information to customers on protecting children, if applicable.
- A process for implementing the Protection from Harassment Act and Maintenance Act directions, as well as registration under the Films and Publications Act.
- Confirmation that the member has put in place procedures for dealing with take-down notices received, and nominated ISPA as their agent for this purpose.
- Confirmation that the member has made its employees aware of the requirements of the ISPA Code of Conduct.

In addition, although not strictly required to comply with ISPA's Code of Conduct, the compliance wizard also tracks:

- The member's public privacy policy.
- Whether or not the member registers domains in its clients' names.
- The member's PAIA manual.
- Any licences the member has been awarded by ICASA.

Compliant?	Requirement	Details	Score	Fix this
✓	ISP has provided two contacts	<u>Primary contact</u> Name: J. Smith Email: smith@email.co.za Phone: +012 345 6789 Mobile: +027 83 456 7890  <u>Secondary contact</u> Name: P. Jones Email: jones@email.co.za Phone: +012 345 6789 Mobile: +027 84 456 7890	8%	<a href="#">Edit</a>
✓	ISP has read each section of the code	Section A: Yes Section B: Yes Section C: Yes Section D: Yes Section E: Yes Section F: Yes Section G: Yes Section H: Yes Section I: Yes Section J: Yes Section K: Yes Section L: Yes	12%	<a href="#">Edit</a>
✓	Contact details available on ISP's web site	<a href="http://www.ispa.org.za/contact/html">www.ispa.org.za/contact/html</a>	7%	<a href="#">Edit</a>
✓	ISP's website has ISPA logo and a link to the Code	<a href="http://www.ispa.org.za/code/html">www.ispa.org.za/code/html</a>	7%	<a href="#">Edit</a>
✓	Acceptable use policy available	<a href="http://www.ispa.org.za/policy/html">www.ispa.org.za/policy/html</a>	7%	<a href="#">Edit</a>
✓	Terms and conditions available and compliant with Code	<a href="http://www.ispa.org.za/tandc/html">www.ispa.org.za/tandc/html</a>	7%	<a href="#">Edit</a>
✓	ISP has a facility in place to deal with spam complaints	<a href="mailto:abuse@ispa.org.za">abuse@ispa.org.za</a>	7%	<a href="#">Edit</a>
✓	Information available on protecting children	ISPA does not provide access to minors	7%	<a href="#">Edit</a>
✓	Process in place for Protection from Harassment Act, Maintenance Act and Films and Publications Act directives	<a href="http://www.ispa.org.za/harrasment/html">www.ispa.org.za/harrasment/html</a> <a href="http://www.ispa.org.za/maintenance/html">www.ispa.org.za/maintenance/html</a> <a href="http://www.ispa.org.za/fpb/html">www.ispa.org.za/fpb/html</a>	9%	<a href="#">Edit</a>
✓	ISP has take-down procedure in place and has nominated ISPA as their agent	<a href="http://www.ispa.org.za/agent/html">www.ispa.org.za/agent/html</a>	12%	<a href="#">Edit</a>
✓	ISP has confirmed compliance with code and that employees are aware of the code		17%	<a href="#">Edit</a>
Total score:			100%	

Sample verification screen on the compliance wizard

The membership application process ensures that new members are fully compliant prior to being admitted to ISPA. New applicants are placed in a “provisional” category but do not qualify as actual ISPA members until such time that they have completed the compliance verification process. Provisional members do not gain any of the member benefits provided by ISPA, other than support in becoming compliant with the Code.

This strategy continues to assist in ensuring that members not only understand their obligations but are prepared and willing to invest the time necessary in complying with ISPA's Code of Conduct when joining the association.

ISPA continues to provide updated guidelines to members on how to become compliant and has introduced a mandatory online or site visit session to assist applicants in meeting the necessary requirements.

Other monitoring mechanisms include:

- Spot checks of existing member compliance. Any members found to no longer be compliant are assisted to become fully compliant again.
- Regular abuse testing and checks to verify that each member has a valid and functioning abuse reporting address. This is both an internet standard and a critical channel for Law Enforcement Authorities (LEAs) and other organisations to report problematic network activity to members.

The most recent test of members' abuse addresses was conducted in 2025-02-04. The following results are noted as a matter of interest:

- 83 members (36%) responded in less than one (1) hour.
- 117 members (51%) responded within one (1) day.
- 129 members (56%) responded within one (1) week.

Members who fail to respond to the test are sent warning letters, and are required to verify that the correct abuse address is listed with ISPA. ISPA then re-tests those members' responses to ensure that all members have functioning abuse reporting addresses.

## 10. Steps taken against non-compliant members

ISPA plays an active role in monitoring members' compliance, and initiates "non-compliant" complaints against members when compliance problems are identified. Although non-compliance complaints are generally minor in nature, ISPA issues warnings to any member not 100% compliant, and if this does not result in prompt remedy, it is followed by a formal complaint, made in terms of the established complaints procedure. A thorough audit of all member compliance was done during 2024.

## 11. Support for the Department of Justice and Constitutional Development

Starting in 2019, ISPA has maintained a contact list for Electronic Communications Service Providers (ECSPs) to support the Department of Justice and Constitutional Development. This list provides the direct telephone, fax and email contact details for more than five hundred operators in the internet and telecommunications sector. Although the initial purpose of the list was to support the implementation of the Protection from Harassment Act 17 of 2011, it is of use to representatives from any law enforcement agency who needs to contact a service provider for assistance. ISPA reviews and updates the list on an annual basis.

ISPA also wrote to the Department of Communications and Digital Technologies (DCDT) in September 2023 suggesting that the list of ECSPs could be helpful in assisting the DCDT meet its obligation to maintain a similar list in terms of the Domestic Violence Act (Act 116 of 1998) as amended. We have not yet received a response to this suggestion.

## 12. CSIRT.net.za – the Internet Sector CSIRT

In May 2023, ISPA signed a Memorandum of Understanding (MoU) with the DCDT on collaborating to combat and strengthen cybersecurity in the internet industry. One of the key elements of this MoU is the recognition of ISPA as the nodal point for collaboration between internet service providers on issues of cybersecurity, and ISPA's hosting of [CSIRT.net.za](https://www.csirt.net.za), the Internet Sector CSIRT.

The establishment of this MoU has enabled ISPA to begin entering agreements with international security organisations who investigate and collate data on vulnerabilities. Since September 2023, ISPA has been receiving data on vulnerable internet addresses associated with South African networks. As part of the CSIRT.net.za project, ISPA is using the collected data to provide individual reports for networks, specifically each network with an Autonomous System Number (ASN). Daily reports of potential vulnerabilities are made available to ISPs, allowing them to proactively investigate potential security risks, and contact any customers who may be vulnerable.

One example of a type of vulnerability covered in these reports is an **open DNS resolver**. An open DNS resolver is a server willing to accept domain name queries from anyone on the internet. While there are a few valid use cases for open resolvers, they are most commonly left open by accident and are a vector



for Distributed Denial of Service (DDoS) attacks. In short, a malicious attacker can use an open resolver to direct large amounts of traffic to an innocent third party, causing their network to become unusable. The reports ISPA generates for ISPs provide a comprehensive list of open DNS resolvers on each ISP's network, allowing them to disable those that are not intended to be open, and reduce the risk of malicious traffic being generated from their networks.

An open DNS resolver is only one of more than two hundred types of vulnerabilities for which ISPA is collecting data. The reports currently generated cover only a few dozen of these, but we are gradually increasing the scope of data we are sharing with ISPs over time. ISPA is working closely with other industry CSIRTs, including SABRIC and COMRIC to ensure that these vulnerability reports are shared with networks belonging to banks and mobile network operators.

### 13. Conclusion

ISPA believes that the Code of Conduct, mediation and complaints procedures continue to provide a useful avenue for consumers to escalate complaints against service providers who are members of ISPA. Similarly, the take-down notice process provides an efficient mechanism of alerting ISPs to alleged unlawful content hosted on their networks. The high rate of successful resolutions of both complaints and take-down notifications indicates that the procedures ISPA has in place are effective and efficient.

Should the Department have any questions about any of ISPA's consumer support processes, Code of Conduct, compliance monitoring or take-down notices, we remain at your disposal to assist. It would be appreciated if any feedback or question about the contents of this report could be addressed to the ISPA Secretariat team using the [secretariat@ispa.org.za](mailto:secretariat@ispa.org.za) address.

### 14. Adoption of this report

This report was formally adopted by ISPA's Board of Directors on 2025-02-26 and approved for submission to the Ministry of Communications and Digital Technologies for the attention of the Honourable Minister Solly Malatsi.



---

Sasha Booth-Beharilal  
Chairperson  
Internet Service Providers' Association (ISPA) NPC

---



## **Appendix A: List of ISPA members as at 2025-02-28**

### **Backbone**

Liquid Telecommunications South Africa (Pty) Ltd  
Telkom SA SOC Ltd –operating through its  
Openserve division  
SEACOM  
Tertiary Education and Research Network of South  
Africa NPC

### **Large**

Afrihost  
Business Connexion (Pty) Ltd  
CMC Network (Pty) Ltd  
Cool Ideas  
Cybersmart (Pty) Ltd  
Dimension Data (Pty) Ltd  
eNetworks  
Enterprise Outsourcing Operations (Pty) Ltd  
FirstNet Technology Services (Pty) Ltd  
ICTGlobe.com  
MTN Business a division of Mobile Telephone  
Networks Pty Ltd  
MWEB is a division of Internet Solutions Digital (Pty)  
Ltd  
Rain (Pty) Ltd  
RSAWEB (Pty) Ltd  
STEM Connect  
Vox Telecommunications  
Webafrica  
Workonline Communications (Pty) Ltd  
xneelo (Pty) Ltd

### **Medium**

ABT Telecoms (Pty) Ltd  
Altron Systems Integration  
Axxess DSL  
BCS-Net  
BitCo Telecoms  
BRILLIANTEL (Pty) Ltd  
CipherWave Business Solutions (Pty) Ltd  
CloudAfrica Hosting (Pty) Ltd  
Comsol Networks  
Comtel Communications (Pty) Ltd  
Easyweb Internet (Pty) Ltd  
Electronic Communication Network (Pty) Ltd  
Faircom  
Fixed Mobile Telecommunications (Pty) LTD  
Frogfoot Networks Pty Ltd  
Hero Telecoms (Pty) Ltd  
Hola Data (Pty) Ltd  
Cipherwave Home-Connect (Pty) Ltd  
HOSTAFRICA  
HUGE TNS (Pty) Ltd

INQ Digital South Africa (Pty) Ltd  
IRONTREE INTERNET SERVICES t/a Metrofile Cloud  
Itec Integrate (Pty) Ltd  
Itec Tiyende (Pty) Ltd  
Mubvumela Corporation  
Paratus Telecommunications (Pty) Ltd  
Reflex Solutions  
SITA  
SURF4LIFE (PTY) LTD  
Switch Telecom  
Telviva (Pty) Ltd  
WIRUlink Pty Ltd  
Xpedite Technologies  
ZACR

### **Small**

28East (Pty) Ltd  
Access Technology Consultants (Pty) Ltd  
Beginning 2 End Technologies (PTY) Ltd  
Adept ICT  
AdNotes (Pty) Ltd  
Aerocom Broadband Services (Pty) Ltd  
Agile Solutions Provider (PTY) Ltd  
AHB GROUP SERVICES PTY LTD  
Airpark Beaufort West CC  
Akesa Technologies (Pty) Ltd  
Albany Schools Network  
Alescotech CC t/a Alesco Internet Solutions  
Alicom  
AllWorldIT – Linux Based Systems Design SA (Pty)  
Ltd  
Amobia Communications  
ARM.it  
ASAP Internet (Pty) Ltd  
ATEC Systems and Technologies (Pty) Ltd  
Atomic (Pty) Ltd  
BACKSPACE TECHNOLOGIES (PTY) LTD  
Bandwidth Barn  
Comit Technologies (PTY) LTD  
betaNetworks  
BLACK SPACE ULTIMATE (PTY) LTD  
STM Comm / Block Innovation  
CTD Fibre PTY Ltd  
C-Way Computers  
Calmex Mobile  
Caloti (Pty) Ltd  
Cape Connect Internet (Pty) Ltd  
Carrier Select Telecoms PTY Ltd  
Catalytic Connections (PTY) Ltd  
Clear Access (Pty) Ltd  
Cloudseed (Pty) Ltd  
CM Value Added Services

CoCre8 Technology Solutions  
 Computer and Satellite Electronics ( CSE Pty Ltd )  
 ComX Networks  
 Connected Space  
 Converged Telecoms  
 CUBE ICT Solutions (Pty) Ltd  
 Dark Fibre Africa (Pty) Ltd  
 DEVINITY TRADING (PTY) LTD  
 Digital Parks Africa  
 Digital Zoo (Pty) Ltd  
 Domain Name Service (Pty) Ltd  
 DiaMatrix  
 Dube Tradeport  
 Dynamic IT Consultants  
 Eave Asset Management (Pty) Ltd  
 Edge Connect  
 Optify Systems (Pty) Ltd - Elitehost.co.za  
 Emalangen Technologies Pty Ltd  
 Enabling Solutions Pty Ltd  
 Enyuka Internet Access (Pty) Ltd  
 Equation Business Solutions  
 FFG Connection CC  
 Fibertime Networks  
 Fibre To The Apartment (PTY) LTD  
 First in Business Solutions  
 Plasma Telecom South Africa (Pty) Ltd  
 Tesuco Telecommunications (Pty) Ltd  
 Genband Africa (Pty) Ltd  
 Grand and Well (Pty) Ltd  
 Green Flash Trading 72 TA Megs  
 Gyeza Data Solutions (Pty) Ltd  
 Hostking  
 HYP A FIBRE (PTY) LTD  
 IBITS Internet  
 Iclix (Pty) Ltd  
 iConnectSA (Pty) Ltd  
 Idol Consulting Firm (PTY) Ltd  
 Imagine IPS  
 Imaginet  
 Infinity Connect (Pty) Ltd  
 Info-Gro (Pty) Ltd  
 InfoStream Technologies  
 Innovative Networks  
 Intdev Internet Technologies  
 Intellexhub Pty Ltd  
 Intellihost (Pty) Ltd  
 Interexcel World Connection  
 InterActive Systems Designs t/a InterNext  
 iOCO Infrastructure Services (Pty) Ltd  
 ION Consulting (Pty) Ltd  
 iONLINE Internet Service Provider (Pty) Ltd  
 Ishoppe Domain Registry Pty Ltd  
 iSpace  
 iSquared Technologies (Pty) Ltd

IvyWeb (Pty) Ltd  
 Izwi Technology Group (Pty) Ltd  
 Gardale Solutions  
 JAWUG  
 Johnbak Solutions  
 Kibo Connect (Pty) Ltd  
 Kliq (Pty) Ltd  
 Ladysmith Wireless Solutions CC  
 LanDynamix  
 Lanline Technologies Pty Ltd  
 LC Networks (Pty) Ltd  
 Linka Technology  
 Linux Tech CC  
 Mannit (Pty) Ltd  
 Matupunuka iCT  
 Max Internet Technologies cc  
 MetroWired (Pty) Ltd  
 Mitsol (Pty) Ltd  
 Mthint Communications  
 Music In Africa Foundation  
 MyBroadband Online (Pty) Ltd  
 Mytelnet (Pty) Ltd  
 Ndende Technologies  
 NetConnect  
 NETLAYER (Pty) Ltd  
 Network & Computing Consultants  
 Network Platforms  
 NOM.ZA  
 NWET Pty (Ltd)  
 OCTOPi Smart Solutions (Pty) Ltd  
 Old Hero Services (Pty) Ltd  
 One Mile Telecoms  
 Opentel (Pty) Ltd  
 Ovation Concepts  
 PacketSky  
 PC Maniacs (Pty) Ltd  
 Posix Systems  
 Quadrupleplay  
 Rapid Networks (Pty) Ltd  
 Redwill ICT  
 Register Domain SA (Pty) LTD  
 Rhodes University  
 directel  
 Routed Hosting (PTY) LTD  
 SA Domain Internet Services  
 SA-Gateway Internet Services  
 Saicom Voice Services  
 SAINT ICT (PTY) LTD  
 Session Telecoms (Pty) Ltd  
 Simtel ISP (Pty) Ltd  
 Singa Tel t/a NET15  
 SkyWire (Pty) Ltd  
 Smart Technology Centre (Pty) Ltd  
 Sonke Telecommunications

Supersonic FTTX (Pty) Ltd  
SYNAQ (Pty) Ltd  
synch.cc  
Webstorm (Pty) Ltd  
Technology Partners (Pty) Ltd  
Technolutions (Pty) Ltd  
Techseeds Telecommunication (Pty) Ltd  
TechTribe IT (Pty) Ltd  
TELCABLES (PTY) LTD  
TS Telecom Solutions (Pty) Ltd  
Telemedia (Pty) Ltd  
Thamani Technologies & Systems (Pty) Ltd  
True Technologies cc  
TWK Communications (PTY) Ltd  
Ubuntunet Alliance for Research and  
EducationNetworking  
Una Technologies  
University of Cape Town  
University of the Witwatersrand Johannesburg  
Urban Wave Internet Solutions (Pty) Ltd  
UrbanXConnect (Pty) Ltd  
VANDER HOST (PTY) LTD  
Future Perfect Corp. t/a Vanilla  
Veritech Communications  
Verizon Communications South Africa (Pty) Ltd  
Web Squad Connect  
Wiber Solutions  
Xtranet  
ZA REGISTRY CONSORTIUM (PTY) LTD  
Zomerlust Systems Design