

3 October 2019

[REDACTED]

Dear [REDACTED]

### Official Information Act #19.043 - Buy Now Pay Later complaints

1. We refer to your request of received on 15 September 2019 for copies of any complaints received by the Commerce Commission (the Commission) about 'Buy Now Pay Later' payment providers. You referred to 20 complaints received by the Commission, referred to in a Stuff news article dated 13 September 2019.<sup>1</sup>
2. On 18 September 2019, in response to our email of 17 September 2019, you clarified the scope of your request to copies of the 20 complaints referred to in the Stuff news article. We advised you that these complaints were received during the period from 13 September 2018 to 13 September 2019 about Afterpay, Oxipay and Laybuy.
3. We have treated this as a request for information under the Official Information Act 1982 (OIA).

### Our response

4. We have decided to grant your request and **attach** summaries of 19 complaints. We have excluded one complaint because on further review it relates to the product retailer, not the payment provider. We can provide this complaint if you wish.
5. We prepared summaries of the complaints pursuant to section 16(e) of the OIA, to protect the privacy of natural persons under section 9(2)(a) of the OIA.
6. If you are not satisfied with the Commission's response to your OIA request, section 28(3) of the OIA provides you with the right to ask an Ombudsman to investigate and review this response. However, we would welcome the opportunity to discuss any concerns with you first.

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<sup>1</sup> <https://www.stuff.co.nz/business/115766679/new-zealanders-embrace-buy-now-pay-later-options-as-credit-cards-begin-to-fall-out-of-favour>

7. Please note the Commission will be publishing this response to your request on its website. Your personal details will be redacted from the published response.
8. Please do not hesitate to contact us at [uia@comcom.govt.nz](mailto:uia@comcom.govt.nz) if you have any questions about this request.

Yours sincerely

*Mary Sheppard*  
OIA Coordinator

Released under Official Information Act 1982

## Complaints received by the Commerce Commission about Afterpay, Oxipay and Laybuy between 13 September 2018 to 13 September 2019

### Collated for OIA 19.043

Complaint details	Complaint product or issue
<p><b>Enquiry number:</b> ENQ0527234</p> <p><b>Date received:</b> 14/06/2019</p> <p><b>Subject(s):</b> Afterpay NZ Limited</p>	<p>Complainant believes Afterpay is non-compliant with anti-money laundering and counterterrorism financing laws.</p>
<p><b>Enquiry number:</b> ENQ0518525</p> <p><b>Date received:</b> 05/10/2018</p> <p><b>Subject(s):</b> Afterpay NZ Limited</p>	<p>Complainant states retailer has not provided goods and has not responded to email contact. Complainant states Afterpay has not responded to email contact either.</p>
<p><b>Enquiry number:</b> ENQ0530286</p> <p><b>Date received:</b> 04/09/2019</p> <p><b>Subject(s):</b> Afterpay NZ Limited</p>	<p>Complainant states there have been issues with order from retailer. Complainant raised issues with Afterpay, however customer service closed ticket before matter was resolved.</p>
<p><b>Enquiry number:</b> ENQ0529563</p> <p><b>Date received:</b> 15/08/2019</p> <p><b>Subject(s):</b> Afterpay NZ Limited</p>	<p>Complainant states that retailer did not supply complainant's order because items were out of stock. Complainant states that retailer will not make refund until after final payment made with Afterpay (6 weeks).</p>
<p><b>Enquiry number:</b> ENQ0517541</p> <p><b>Date received:</b> 31/08/2018</p> <p><b>Subject(s):</b> Afterpay NZ Limited</p>	<p>Complainant states that Afterpay took additional payments in error and there was an unacceptable delay in refund.</p>
<p><b>Enquiry number:</b> ENQ0520572</p> <p><b>Date received:</b> 26/11/2018</p> <p><b>Subject(s):</b> Flexigroup (New Zealand) Limited</p>	<p>Complainant states that debt collection charges imposed by third party on debt to Flexigroup are excessive.</p>
<p><b>Enquiry number:</b> ENQ0518080</p> <p><b>Date received:</b> 18/09/2018</p>	<p>Complaint about Flexigroup failing to take payment when sufficient funds available and charging late fees.</p>

Complaint details	Complaint product or issue
<b>Subject(s):</b> Flexigroup (New Zealand) Limited	
<b>Enquiry number:</b> ENQ0518078 <b>Date received:</b> 17/09/2018 <b>Subject(s):</b> Flexigroup (New Zealand) Limited	Complaint about Flexigroup failing to take payment when sufficient funds available and charging late fees.
<b>Enquiry number:</b> ENQ0518054 <b>Date received:</b> 17/09/2018 <b>Subject(s):</b> Flexigroup (New Zealand) Limited	Complaint about Flexigroup failing to take payment when sufficient funds available and charging late fees.
<b>Enquiry number:</b> ENQ0518081 <b>Date received:</b> 18/09/2018 <b>Subject(s):</b> Flexigroup (New Zealand) Limited	Complaint about Flexigroup failing to take payment when sufficient funds available and charging late fees.
<b>Enquiry number:</b> ENQ0518021 <b>Date received:</b> 17/09/2018 <b>Subject(s):</b> Flexigroup (New Zealand) Limited	Complaint about Flexigroup failing to take payment when sufficient funds available and charging late fees.
<b>Enquiry number:</b> ENQ0518079 <b>Date received:</b> 17/09/2018 <b>Subject(s):</b> Flexigroup (New Zealand) Limited	Complaint about Flexigroup failing to take payment when sufficient funds available and charging late fees.
<b>Enquiry number:</b> ENQ0527065 <b>Date received:</b> 07/06/2019 <b>Subject(s):</b> Flexigroup (New Zealand) Limited t/a Oxipay	Complaint about additional payment taken in error.
<b>Enquiry number:</b> ENQ0530101 <b>Date received:</b> 28/08/2019 <b>Subject(s):</b> Flexigroup (New Zealand) Limited	Complaint about claim fee imposed by Flexigroup in relation to faulty/damaged goods.
<b>Enquiry number:</b> ENQ0520842	Complaint about payments showing as accepted when in fact they have been declined, due to system error.

Complaint details	Complaint product or issue
<b>Date received:</b> 19/12/2018 <b>Subject(s):</b> Laybuy Holdings Limited	
<b>Enquiry number:</b> ENQ0525328 <b>Date received:</b> 29/04/2019 <b>Subject(s):</b> Laybuy Holdings Limited	Complaint about fraudulent accounts.
<b>Enquiry number:</b> ENQ0518762 <b>Date received:</b> 04/10/2018 <b>Subject(s):</b> Laybuy Holdings Limited	Complaint about fraudulent account.
<b>Enquiry number:</b> ENQ0521612 <b>Date received:</b> 02/01/2019 <b>Subject(s):</b> Laybuy Holdings Limited	Complainant states additional payments taken in error and there is a delay in refund.
<b>Enquiry number:</b> ENQ0527387 <b>Date received:</b> 25/06/2019 <b>Subject(s):</b> Laybuy Holdings Limited	Complainant states that 'laybuy' is a misleading name because you receive goods upfront.