

11 November 2020

[REDACTED]

By email only: [REDACTED]

Dear [REDACTED]

Official Information Act #20.081 - Spark

1. We refer to your request received on 13 October 2020, as part of your complaint to the Commerce Commission (**Commission**) about Spark New Zealand Trading Limited (**Spark**) ENQ0546544, for the following information:
 - 1.1 whether the Commission is currently investigating Spark; and
 - 1.2 whether the Commission has ever investigated Spark in relation to its pre-paid mobile phone plans.
2. On 14 October 2020, in response to our email of the same date, you confirmed the scope of your request is limited to investigations about Spark's new voicemail subscription service (the same issue you have complained to the Commission about).
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.
5. The Commission has not previously taken, and is not presently taking, any action in relation to Spark's new voicemail subscription service.

Your complaint

6. Your complaint about Spark (ENQ0546544) was assessed by the Commission's Enquiries Team on 20 October 2020 and the decision made not to take further action on the basis we consider the conduct is an unclear or unlikely breach of the legislation we enforce.

The Commission's complaints screening process

7. To provide context to how your complaint was assessed, we have outlined the Commission's complaint screening process below.
8. When a consumer contacts the Commission with a complaint about a trader, this is logged in the Commission's complaint database.
9. The Commission receives thousands of complaints every year. Each complaint is initially assessed by the Enquiries Team on the basis of the information available at the time.
10. When conducting this initial assessment, the Enquiries Team considers:
 - 10.1 the likelihood of a breach of the relevant legislation (the Fair Trading Act 1986, Credit Contracts and Consumer Finance 2003, and the Commerce Act 1986);
 - 10.2 the Commission's Enforcement Response Guidelines,¹ and;
 - 10.3 the Commission's strategic priorities and resourcing constraints.
11. The Commission has the power to act on complaints but is not required to take action in relation to all possible breaches of the legislation that we enforce.
12. If a complaint is deemed to meet certain criteria, it is reviewed by a panel of managers and subject matter experts from within the Competition Branch. The screening panel decides which complaints are to be prioritised for further consideration by the branch.
13. This process enables us to identify complaints that best reflect our current enforcement priorities.² The outcomes of the process are not final, and we may revisit any complaint at a later stage, should we wish to reconsider the issues it presents.

¹ Available at: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-response-guidelines/>

² For further information, see: <https://comcom.govt.nz/about-us/our-priorities>

Further information

14. Please note the Commission will be publishing this response to your request in the OIA register on our website.³ Your personal details will be removed from the published response.
15. Please do not hesitate to contact us at uia@comcom.govt.nz if you have any questions about this request.

Yours sincerely

Mary Sheppard
OIA Coordinator

³ <https://comcom.govt.nz/about-us/requesting-official-information/oia-register>