



## COMPLAINTS PROCEDURE

You can make a complaint to the Office of the Press Ombudsman about any article that personally affects you and has been published within the last three months in a newspaper or magazine that is a member publication of the Press Council of Ireland, if you think that it breaches the Code of Practice for Newspapers and Magazines. Member publications include:

- All daily and Sunday newspapers
- The Irish editions of UK newspapers
- The majority of regional newspapers, and
- The majority of Irish-published magazines

You can also complain about the behaviour of a journalist if you feel that a journalist's behaviour involves a breach of the Code of Practice.

The procedures outlined in this information leaflet have been devised in the interests of fairness to all sides, and of achieving a speedy resolution to complaints. If there is anything about them that is not clear, please do not hesitate to contact us – our contact details are at the back of this leaflet.

There is no charge for these services.

For further information about our complaints procedures please contact us at :

Office of the Press Ombudsman, 1, 2 & 3 Westmoreland Street, Dublin 2.

Telephone: Lo-call 1890 208 080

Fax: 01-674 0046

email: [info@pressombudsman.ie](mailto:info@pressombudsman.ie)

website: [www.pressombudsman.ie](http://www.pressombudsman.ie)

## **Stage 1: Requirements for submitting a complaint to the Press Ombudsman**

The complainant must, in the opinion of the Press Ombudsman, be able to show that s/he is personally affected by the article or journalistic behaviour concerned, and that the subject matter of the complaint is not the subject matter of any court proceedings in Ireland.

It is also essential that the complaint:

- (a) refers to an article published by a member publication of the Press Council of Ireland, published within the last three months, if the complaint relates to an article;
- (b) refers to the behaviour of a journalist that took place within the last three months of the behaviour taking place, if the complaint relates to journalistic behaviour;
- (c) is signed by the complainant or by someone nominated to act on their behalf;
- (d) is, in the opinion of the Press Ombudsman, supported by sufficient evidence of a possible breach of the Code of Practice and is neither vexatious nor insignificant;
- (e) clearly indicates which Principle or Principles of the Code of Practice the complainant feels may have been breached, and why;
- (f) is accompanied by a dated cutting of any article concerned, or a scanned version which clearly shows the date of publication; and
- (g) is accompanied by copies of any correspondence between the complainant and the editor of the publication.

If the complainant is not named in the article, but has satisfied the Press Ombudsman that he or she is personally affected by it, and if the article names another individual or individuals who may, in the opinion of the Press Ombudsman, also be personally affected by the article, the Press Ombudsman will require the written permission of any such individual or individuals before he can investigate the complaint.

There is no appeal against this or any other administrative decision made by the Press Ombudsman in relation to the requirements of the complaints procedures of his Office.

## **Stage 2: Lodging a formal complaint with the editor**

The complainant is first required to complain in writing directly to the editor of the publication concerned. They should mark their letter to the editor “Confidential – not for publication”.

## **Stage 3: Lodging a formal complaint with the Press Ombudsman**

If, within two weeks from the date of the letter of complaint to the editor, the complainant has not received a reply, or has received an unsatisfactory reply, s/he can then complain in writing to the Press Ombudsman.

All information about the complaint must be submitted to the Office of the Press Ombudsman within three months of publication of the article under complaint, or of the journalistic behaviour taking place. In the case of an article published on the internet, the date of publication is the date upon which the article was first uploaded to the web.

All information in relation to a complaint must remain confidential until all aspects of the complaints and appeals process are completed.

#### **Stage 4: Investigation by the Office of the Press Ombudsman**

If the Press Ombudsman decides that a complaint is one that is appropriate for his Office to deal with, his Office will, in the first instance, seek to have the complaint resolved speedily by a process of conciliation. This will involve his Case Officer acting as a facilitator between the complainant and the editor to see whether a mutually satisfactory resolution of the complaint can be achieved.

This may also involve mediation between the parties in circumstances in which it is felt that mediation offers a reasonable prospect of resolving the complaint.

If mediation is considered appropriate, the Case Officer will, with the consent of both parties, facilitate a face-to-face meeting between the complainant and a representative of the publication concerned, in which both parties can together explore the possibility of a mutually satisfactory outcome.

In the event that a complaint cannot be resolved through the conciliation process or through mediation, the complaint will be referred to the Press Ombudsman for a decision.

Complainants will be kept up to date at all stages about the progress of their complaints.

#### **Stage 5: Decision of the Press Ombudsman**

The Press Ombudsman will consider all the material on file and, at that stage, he may exercise his option of referring the complaint to the Press Council of Ireland for decision.

If he does not refer the complaint to the Press Council, the Press Ombudsman will make a substantive decision on the complaint after making any further enquiries he believes to be necessary, and after considering all of the material on file. This decision will be sent to the complainant and to the publication concerned.

The Press Ombudsman's decision may take one or more of the following forms.

- (a) He can decide to uphold the complaint under the Code of Practice.
- (b) He can decide not to uphold the complaint.
- (c) He can decide that the publication concerned has offered to take, or has taken, action which, in his opinion, is or was sufficient to resolve the complaint.
- (d) He can decide that there is insufficient evidence available to him to make a decision on the complaint.

The procedures for the making of decisions by the Press Ombudsman do not provide for oral hearings.

If any part of the complaint is upheld, the publication concerned will have to publish that part of the Press Ombudsman's decision in accordance with the provisions of the Press Council's Publication Guidelines.

## **APPEALS PROCEDURE**

Any party to a complaint may appeal a substantive decision of the Press Ombudsman to the Press Council of Ireland, provided that such an appeal is lodged in writing with the Chairman of the Press Council within two weeks of the date of the decision.

An appeal can be made to the Press Council on one or more of the following grounds:

- (a) that there has been an error in procedure;
- (b) that significant new information is available that could not have been or was not made available to the Press Ombudsman before he made his decision; or
- (c) that there has been an error in the Press Ombudsman's application of the Code of Practice.

Appellants should state the grounds for their appeal, and should support it by any evidence they believe to be appropriate and relevant. Mere disagreement with the Press Ombudsman's decision is not grounds for appeal.

The procedures for consideration of appeals by the Press Council against decisions of the Press Ombudsman do not provide for oral hearings. No information about the content of an appeal is furnished to the other party concerned. However, if the appeal contains new information which, in the opinion of the Press Council, is significant, such information will be furnished to the other party for their observations, and any such observations will be included in the Council's consideration of the appeal.

There is no appeal against a decision of the Press Council on an appeal against a substantive decision by the Press Ombudsman, or against its decision on a complaint that has been referred directly to the Press Council by the Press Ombudsman.

## **PUBLICATION OF DECISIONS**

All decisions of the Press Ombudsman upholding a complaint and, on appeal, the Press Council, must be published in accordance with the provisions of the Press Council's Publication Guidelines.

All decisions of the Press Ombudsman and, on appeal, of the Press Council, will be published on the website of the Press Ombudsman and Press Council and will be circulated to the media generally. Publication of such decisions as news items is at the discretion of the editors of any publication not involved in the complaint, subject to the general requirement that any such articles should be written and presented with fairness to all concerned in the spirit of the Code of Practice.

A copy of the Press Council's Publication Guidelines is available on request, or can be downloaded at [www.presscouncil.ie](http://www.presscouncil.ie)

July 2012

# Code of Practice for Newspapers and Magazines

## Preamble

The freedom to publish is vital to the right of the people to be informed. This freedom includes the right of a newspaper to publish what it considers to be news, without fear or favour, and the right to comment upon it.

Freedom of the press carries responsibilities. Members of the press have a duty to maintain the highest professional and ethical standards. This Code sets the benchmark for those standards.

It is the duty of the Press Ombudsman and Press Council of Ireland to ensure that it is honoured in the spirit as well as in the letter, and the duty of publications to assist them in that task.

In dealing with complaints, the Ombudsman and Press Council will give consideration to what they perceive to be the public interest. It is for them to define the public interest in each case, but the general principle is that the public interest is invoked in relation to a matter capable of affecting the people at large so that they may legitimately be interested in receiving and the press legitimately interested in providing information about it.

## Principle 1 – Truth and Accuracy

**1.1** In reporting news and information, newspapers and magazines shall strive at all times for truth and accuracy.

**1.2** When a significant inaccuracy, misleading statement or distorted report or picture has been published, it shall be corrected promptly and with due prominence.

**1.3** When appropriate, a retraction, apology, clarification, explanation or response shall be published promptly and with due prominence.

## Principle 2 – Distinguishing Fact and Comment

**2.1** Newspapers and magazines are entitled to advocate strongly their own views on topics.

**2.2** Comment, conjecture, rumour and unconfirmed reports shall not be reported as if they were fact.

**2.3** Readers are entitled to expect that the content of a publication reflects the best judgment of editors and writers and has not been inappropriately influenced by undisclosed interests. Wherever relevant, any significant financial interest of an organisation should be disclosed. Writers should disclose significant potential conflicts of interest to their editors.

## Principle 3 – Fairness and Honesty

**3.1** Newspapers and magazines shall strive at all times for fairness and honesty in the procuring and publishing of news and information.

**3.2** Publications shall not obtain information, photographs or other material through misrepresentation or subterfuge, unless justified by the public interest.

**3.3** Journalists and photographers must not obtain, or seek to obtain, information and photographs through harassment, unless their actions are justified in the public interest.

## Principle 4 – Respect for Rights

Everyone has constitutional protection for his or her good name. Newspapers and magazines shall not knowingly publish matter based on malicious misrepresentation or unfounded accusations, and must take reasonable care in checking facts before publication.

## Principle 5 – Privacy

**5.1** Privacy is a human right, protected as a personal right in the Irish Constitution and the European Convention on Human Rights, which is incorporated into Irish law. The private and family life, home and correspondence of everyone must be respected.

**5.2** Readers are entitled to have news and comment presented with respect for the privacy and sensibilities of individuals. However, the right to privacy should not prevent publication of matters of public record or in the public interest.

**5.3** Sympathy and discretion must be shown at all times in seeking information in situations of personal grief or shock. In publishing such information, the feelings of grieving families should be taken into account. This should not be interpreted as restricting the right to report judicial proceedings.

**5.4** Public persons are entitled to privacy. However, where a person holds public office, deals with public affairs, follows a public career, or has sought or obtained publicity for his activities, publication of relevant details of his private life and circumstances may be justifiable where the information revealed relates to the validity of the person's conduct, the credibility of his public statements, the value of his publicly expressed views or is otherwise in the public interest.

**5.5** Taking photographs of individuals in private places without their consent is not acceptable, unless justified by the public interest.

## Principle 6 – Protection of Sources

Journalists shall protect confidential sources of information.

## Principle 7 – Court Reporting

Newspapers and magazines shall strive to ensure that court reports (including the use of photographs) are fair and accurate, are not prejudicial to the right to a fair trial and that the presumption of innocence is respected.

## Principle 8 – Prejudice

Newspapers and magazines shall not publish material intended or likely to cause grave offence or stir up hatred against an individual or group on the basis of their race, religion, nationality, colour, ethnic origin, membership of the travelling community, gender, sexual orientation, marital status, disability, illness, or age.

## Principle 9 – Children

**9.1** Newspapers and magazines shall take particular care in seeking and presenting information or comment about a child under the age of 16.

**9.2** Journalists and editors should have regard for the vulnerability of children, and in all dealings with children should bear in mind the age of the child, whether parental or other adult consent has been obtained for such dealings, the sensitivity of the subject-matter, and what circumstances if any make the story one of public interest. Young people should be free to complete their time at school without unnecessary intrusion. The fame, notoriety or position of a parent or guardian must not be used as sole justification for publishing details of a child's private life.

## Principle 10 – Publication of the Decision of the Press Ombudsman / Press Council

**10.1** When requested or required by the Press Ombudsman and/or the Press Council to do so, newspapers and magazines shall publish the decision in relation to a complaint with due prominence.

**10.2** The content of this Code will be reviewed at regular intervals.