OFFICE OF THE PRESS OMBUDSMAN

# How to make a complaint about a newspaper or magazine

## What is the Office of the Press Ombudsman?

The Office of the Press Ombudsman is part of the independent regulatory system for the print media. Its aim is to provide readers with a quick, fair and free method of resolving any complaints they may have in relation to newspapers and magazines that are members of the Press Council of Ireland about possible breaches of the Code of Practice for Newspapers and Magazines.

The Office of the Press Ombudsman receives complaints from members of the public. It considers whether they present prima facie evidence of a breach of the Code of Practice, and seeks to resolve them, by conciliation or mediation, to the satisfaction of everyone involved. If the complaint cannot be resolved in this way, it is referred to the Press Ombudsman for a decision on whether or not the Code of Practice has been breached.

## What is the Code of Practice for Newspapers and Magazines?

The Code of Practice is a set of ten Principles to which member publications of the Press Council have made a binding commitment. The Code protects both the rights of the individual and the rights of the press itself, which are exercised on behalf of the public. The Code of Practice is printed in full on pages five to seven.

## What can I complain about?

You can complain about any article that personally affects you and has been published within the previous three months in a newspaper or magazine that is a member of the Press Council of Ireland. This includes all daily and Sunday newspapers, the Irish editions of UK newspapers, provincial and regional newspapers, and Irish-published magazines. You can also complain about the behaviour of a journalist if you feel that this behaviour involves a breach of the Code of Practice. All information in relation to a complaint must reach us within three months of the date of publication of the article, or of the date it was uploaded online, or of the behaviour taking place.

## Is it free?

Yes. Making a complaint to the Press Ombudsman is absolutely free.

## What is the Press Council of Ireland?

The Press Council of Ireland is the body that appoints the Press Ombudsman. It takes decisions in cases referred to it by the Press Ombudsman. It also decides on appeals from decisions of the Press Ombudsman.

## Do I have to be personally affected by the article or behaviour?

Yes, you have to show that you have been personally affected by the article or behaviour in question.

## Can I make a complaint on behalf of another person?

Yes, but only with their express written permission to do so, which must be provided at the time you make your complaint.

## How do I make a complaint?

You should check the article against the Code of Practice. If you believe that the article, or behaviour of a journalist, about which you want to complain breaches one or more of its provisions, you should first make a written complaint directly to the editor of the publication.

If you are not happy with the response you receive from the editor, or if you do not receive a response from the editor within a reasonable period of time - say, two weeks - you can then submit a formal complaint to our Office.

Your formal complaint must:

- Be in writing and be submitted within three months of the date of publication of the article, or of the date it was uploaded online, or of the behavior taking place if your complaint is about a journalist
- Clearly indicate which Principle or Principles of the Code of Practice you feel has been breached and why
- Be accompanied by a dated cutting of the article concerned, or a scanned version which clearly shows the date of publication (if the complaint is about an article)
- Be accompanied by copies of any correspondence between you and the editor of the publication

You can submit your complaint by letter, by email, or by completing our online complaints form at www.pressombudsman.ie

Please note that if you make a complaint by email or online you must supply us with the relevant article either in hard copy form within seven days, or as an attachment or link to the email.

**You may contact this Office before making a complaint if you are unsure about any aspect of our procedures.**

## Can the Office of the Press Ombudsman decline to consider a complaint?

A complaint cannot be considered if:

- The complaint does not fall within the Code of Practice as it does not present prima facie evidence of a breach of the Code
- The complaint is the subject matter of legal proceedings
- You are not personally affected by the article or behaviour
- All information about the complaint required by our procedures is not submitted within the three months time limit
- A third party named in the article has not given their written consent to a complaint being made on their behalf

## How are complaints resolved?

The Office of the Press Ombudsman will, in the first instance, attempt to resolve the matter by making direct contact with the editor of the publication concerned. It will outline your complaint to the editor and seek to resolve it by a process of conciliation or mediation. This process should not take more than about six weeks from the date of receipt of your complaint.

If a resolution to the complaint is not possible, the Press Ombudsman will examine the case in detail and make a formal decision. He also has the option of referring some significant or complex cases to the Press Council of Ireland for decision.

## If the Press Ombudsman decides in my favour, what happens next?

The publication concerned will be required to publish that part of the Press Ombudsman's decision upholding your complaint with due prominence and in accordance with our publication guidelines. The decision will also be published on our website.

## Can I appeal a formal decision of the Press Ombudsman?

Yes. A formal decision of the Press Ombudsman can be appealed to the Press Council on one or more of the following grounds: that there has been an error in procedure; 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 that there has been an error in the Press Ombudsman's application of the Principles of the Code of Practice.

Mere disagreement with the Press Ombudsman's decision is not grounds for an appeal.

Your appeal must be lodged with the Press Council within two weeks of the Press Ombudsman's decision.

# 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 Ombudsman and Press Council 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 judgement 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.

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