



Broadcasting
Complaints
Commission
**Coimisiún
um Ghearáin
Chraolacháin**

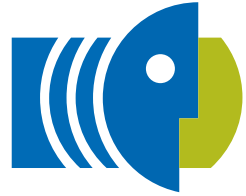
Annual Report
The Broadcasting
Complaints Commission

Tuarascáil Bhliantúil
Coimisiún Um
Ghearáin Chraolacháin

31 December 2007
31 Nollaig 2007

The complaint decisions made by the Commission during 2007 are available on the disc enclosed, on the Commission's website, or on request from the offices of the Commission.

Tá na cinntí i leith gearán a rinne an Coimisiún i rith 2007 ar fáil ar an diosca iniata, ar shuíomh idirlín an Choimisiúin, nó ar iarratas ó oifigí an Choimisiúin.



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I Twenty Ninth Annual Report

1.1 This is the twenty ninth annual report of the Broadcasting Complaints Commission (BCC) to the Minister for Communications, Energy and Natural Resources for the year ended 31 December 2007, in accordance with Section 25 of the Broadcasting Act 2001.

2 Members of the Commission

2.1 The members of the Commission on the 31 December were:-

Mr. Michael G. MacGrath (*Chairperson*)

Ms. Phil Brady

Mr. Joseph Brady

Mr. John Donohoe

Dr. Eucharía Meehan

Ms. Susan Nolan

Ms. Miriam O'Callaghan

Mr. Seán O'Sullivan

Mr. David Tighe

2.2 The Commission's term of appointment is until October 2010 or until such time as a new body is established under the Broadcasting Bill, which ever is the lesser.

2.3 The Commission met nine times in the period under review, during which time 144 complaints were fully processed and the decisions forwarded to the complainants and the relevant broadcasters and/or advertisers.

The Commission's decisions are made publicly available through circulation to the national press and by posting them to the Commission's website.

The Commission makes information available on its website, www.bcc.ie.

All complaints and publications are posted to this site. The address and telephone number of the Commission are also available in the telephone directories.

In line with the Commission's aim to provide an efficient and transparent service, the Commission committed to a target timeframe for the processing of complaints. It is also committed to making such details publicly available through publication in the Commission's Annual Report.

The Commission aims to complete each complaint process within 90 days. This target includes the basic timescale that is established by broadcasting legislation and procedure: -

Complaint Process; time related issues:

- Must be made within 30 days after the date of the broadcast.
- Once a complaint is considered to be valid, it is forwarded to the broadcaster and/or independent producer who has 21 days to respond and/or to the advertiser, who has 14 days to submit a response, should they so wish.
- The broadcaster's and/or advertiser's and/or independent producer's response is then forwarded to the complainant. The complainant then has 14 days to inform the BCC whether he/she is not content with the response and they wish that the complaint be presented to the Board of the Commission for consideration and adjudication.

- The Board meet on average 10 times a year. After each meeting, the Commission endeavours to circulate, within one week, all decisions to the relevant parties.
 - The material (i.e. all complaint summaries) is made publicly available not less than three days after the decisions are circulated to the relevant parties.
1. **Resolved complaints** (i.e. the complainant accepts the broadcaster's explanation) the average time-scale for processing such complaints is 25 days.
 2. **Complaints requiring Board consideration:** the average timescale for processing such complaints is 66 days.

The Commission closely monitors the time-scale for the complaint process.

- 2.4 The Commission continued to ensure that its services were promoted throughout the year by placing advertisements in the national press and the RTÉ Guide. Also, to assist complainants in making a complaint, the complaint form and guideline booklet were revised and improved and downloadable forms are also available on the Commission's website.

3 Functions of the Commission

- 3.1 The Broadcasting Complaints Commission is an independent statutory body. Its task is to consider and adjudicate upon complaints about material broadcast, both programmes and advertisements, in relation to: impartiality in news & current affairs; taste & decency; law & order; privacy of an individual; general advertising codes; children's advertising codes; slander; published matter in relation to RTÉ; and Ministerial prohibitions.
- 3.2 Any viewer or listener can refer a complaint to the Commission if they are not satisfied about broadcasting content on an Irish licensed broadcasting service under any of the above listed categories.
- 3.3 The Commission's remit is derived from various legislative acts, the most recent of which is the Broadcasting Act, 2001.
- 3.4 In the course of 2007, two new codes were introduced by the Broadcasting Commission of Ireland. In making complaints concerning taste and decency in programming and advertisements, complainants can now refer to the Code of Programme Standards and the General Advertising Codes. These codes apply to all Irish licensed broadcasters and are available on request from the Commission's offices or on its website, www.bcc.ie.

4 **Complaints**

- 4.1 All complaints must be submitted in writing and detail the complainant's name and address, the date and time of the broadcast, the name of the station, the category under which the complaint is submitted and a short description of the relevant programme or advertisement.
- 4.2 The complainant's letter is then forwarded to the relevant broadcaster who is permitted twenty-one days to respond, if it so wishes. An employee of the broadcaster or an independent producer may request to comment on a complaint. If the Commission considers the interest of the employee might be adversely affected, or the prospects of the independent producer to obtain future programming commissions from the broadcaster concerned, as a result of the complaint, then he/she may be given the opportunity to comment.

When a complaint is one in respect of an advertisement, the Commission affords the person responsible for submitting the advertisement an opportunity to respond.

- 4.3 If the complainant is satisfied with the response/s, the complaint is considered resolved and therefore, closed.
- 4.4 If the complainant is not satisfied with the response/s, all the relevant complaint correspondence together with a recording of the relevant broadcast are circulated to the Board Members for consideration and decision.

- 4.5 By the 31 December, 2007, the BCC received 349 eligible complaints. There were also 45 cases brought forward from 2006. Of these, 20 required consideration and adjudication by the Board.
- 4.6 Of the complaints received in 2007;
- 157 were resolved at correspondence stage. The complainants accepted the views of the broadcasters and/or the advertisers and/or the independent producers and thus did not require further investigation by the Broadcasting Complaints Commission.
 - 144 complaints required further investigation and, therefore, were given consideration by the Board of the Commission.
 - 7 complaints were withdrawn by the complainants, principally due to anonymity issues.
 - As at the 31 December, 2007, 61 cases were being processed.
- 4.7 209 complaints were found to be invalid due to time issues, incomplete information or not within the scope of the BCC's remit and/or the relevant complaint categories.

- 4.8 The introduction of the Code of Programme Standards in April 2007 addressed the anomaly in the Broadcasting Act 2001, whereby the statutory powers of the BCC did not extend to taste and decency concerning RTÉ programming. The Commission received 23 written complaints under the category of taste and decency relating to RTÉ programming prior to the introduction of the Code. These complaints were forwarded to the broadcaster, who subsequently corresponded directly with the complainants. The Commission welcomed the introduction of the Code and, in particular, the uniformity it facilitates in the complaint process for members of the public.

The hearing sought by RTÉ for a judicial review of a decision made by the BCC in December 2005 was still pending as of 31 December, 2007.

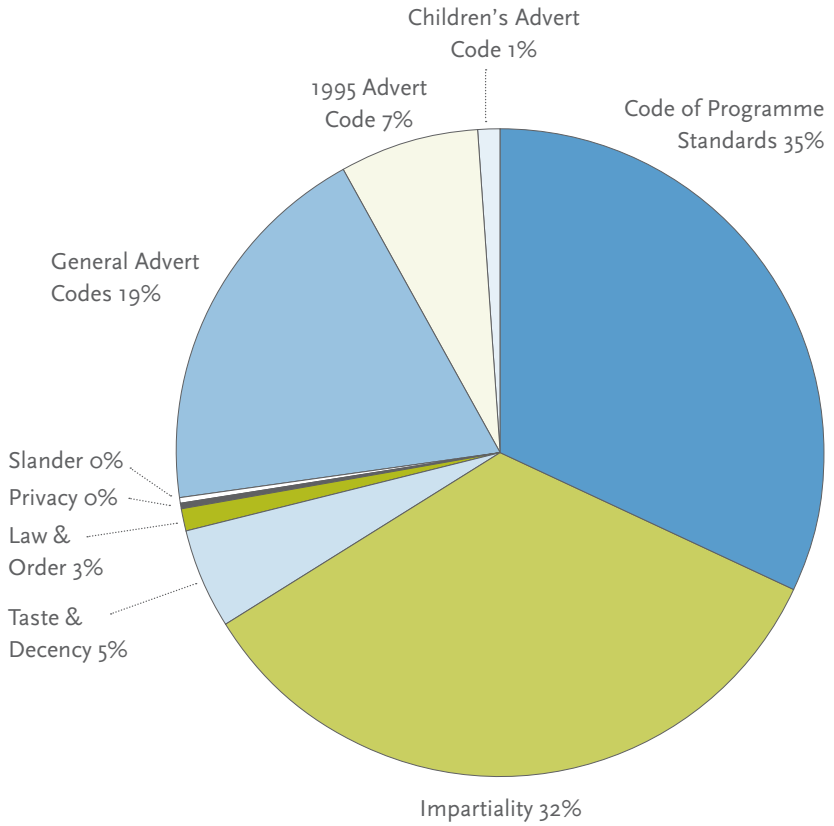
4.9 Summary table of complaints for 2007

Total eligible complaints submitted: 349
Total invalid complaints submitted: 209

Complaints Received in 2007 Breakdown by Category	Qty
Impartiality	110
Taste & Decency	16
Code of Programme Standards (<i>10 April 2007</i>)	126
General Advertising Codes (<i>10 April 2007</i>)	66
Advertising Codes 1995	24
Children's Advertising Codes	2
Slander	1
Invasion of Privacy	1
Law & Order	3

Complaint Categories 2007

Impartiality	110
Code of Programme Standards	126
Taste & Decency	16
Law & Order	3
Privacy	1
Slander	1
General Advert Codes	66
1995 Advert Code	24
Children's Advert Codes	2
Total	349



4.10 Summary tables of complaint status
a) year 2007

Status of Complaints made in 2007	Qty
Resolved at correspondence stage	157
Board Complaint Decisions by year end	124
upheld	25
rejected	94
invalid	3
anonymity not granted	2
Withdrawn by complainants / anonymity	7
Still in process as of 31st December 2007	61
Invalid submissions	209

b) year 2006 brought forward; 45 complaints

Status of Complaints brought forward from 2006	Qty
Resolved at correspondence stage	25
Requiring Board Consideration	20
Upheld	10
Rejected	9
Anonymity not granted	1

4.II Summary table of complaints considered by Board in 2007

Complaints Considered by Board in 2007	Qty
Complaints made during 2007	124
Complaints brought forward from 2006	20
Upheld	35
Rejected	103
Anonymity not granted	3
Invalid	3

I **An Fiche Naoiú Tuarascáil Bhliantúil**

- 1.1 Is í seo an fiche naoiú tuarascáil bhliantúil ón gCoimisiún um Ghearáin Craolacháin (BCC) chuig an Aire Cumarsáide, Mara agus Acmhainní Nádúrtha don bhliain dar chríoch 31 Nollaig 2007, de réir Ailt 25 den Acht Craolacháin 2001.

2 **Comhaltaí an choimisiúin**

- 2.1 B'iad comhaltaí an Choimisiúin ar an 31 Nollaig:-

Mr. Michael G. MacGrath(Cathaoirleach)

Ms. Phil Brady

Mr. Joseph Brady

Mr. John Donohoe

Dr. Eucharía Meehan

Ms. Susan Nolan

Ms. Miriam O'Callaghan

Mr. Seán O'Sullivan

Mr. David Tighe

- 2.2 Tá téarma ceapacháin an Choimisiúin go dtí Deireadh Fómhair 2010 nó go dtí go mbunófar comhlacht nua de réir an Bhille Craolacháin, cibé acu is giorra.

- 2.3 Tháinig an Coimisiún le chéile naoi n-uaire le linn an tréimhse atá faoi athbhreithniú. Rinneadh 144 ghearán a phróiseáil go hiomlán le linn an tréimhse sin agus seoladh na cinntí ar aghaidh chucu siúd a rinne na gearáin agus chuig na craoltóirí agus/nó na fógróirí ábhartha.

Cuirtear cinntí an Choimisiúin ar fáil go poiblí trína scaipeadh ar an bpreas náisiúnta agus trína seoladh go láithreán gréasáin an Choimisiúin.

Cuireann an Coimisiún faisnéis ar fáil ar a láithreán gréasáin, www.bcc.ie. Seoltar gach gearán agus gach foilseachán go dtí an láithreán sin. Tá seoladh agus uimhir teileafóin an Choimisiúin ar fáil chomh maith sna heolaithe teileafóin.

Ag dul le sprioc an Choimisiúin seirbhís éifeachtach agus follasach a sholáthar, thug an Coimisiún gealltanais i leith sprioc-chreat ama le gearáin a phróiseáil. Tug sé gealltanais freisin na mionsonraí sin a chur ar fáil go poiblí trína bhfoilsíú i dTuarascáil Bhliantúil an Choimisiúin.

Tá sé mar sprioc ag an gCoimisiún gach próiseas gearáin a chur i gcríoch laistigh de 90 lá. Ináirithe sa sprioc sin tá an scála ama atá bunaithe de réir reachtaíocht agus nósanna imeachta craolacháin: -

An Próiseas Gearáin: ceisteanna a bhaineann le cúrsaí ama:

- Ní mór gearán a dhéanamh laistigh de 30 lá den chraolachán.
- Chomh luath is a ghactar leis go bhfuil gearán bailí, seoltar ar aghaidh go dtí an craoltóir agus/nó an fógróir agus/nó an léiritheoir neamhspleách é agus tá 21 lá acu sin leis an ngearán a fhreagairt más sin is mian leo.
- Seoltar ar aghaidh ansin an fhreagairt a rinne an craoltóir agus/nó an fógróir agus/nó an léiritheoir neamhspleách chuig an té a rinne an gearán. Tá 14 lá

ansin ag an té sin a chur in iúl do BCC nach bhfuil sé/ sí sásta leis an bhfreagairt agus gur mian leo go gcuirfí an gearán os comhair Bhord an Choimisiúin lena bhreithniú agus chun teacht ar chinneadh.

- Bíonn cruinnithe ag an mBord tuairim is 10 n-uaire sa bhliain. Tar éis gach cruinniú, déanann an Coimisiún a dhícheall na cinntí ar fad a scaipeadh, laistigh de sheachtain amháin, ar na páirtithe ábhartha.
 - Cuirtear an t-ábhar (i.e. na hachoirí ar na gearáin ar fad) ar fáil go poiblí ag am nach giorra ná trí lá é tar éis do na cinntí a bheith scaipthe ar na páirtithe ábhartha.
1. **Gearáin réitithe** (i.e. glacann an gearánaí leis an míniú a thugann an craoltóir) is é 25 lá ar an meán an scála ama le gearáin den chineál sin a phróiseáil.
 2. **Gearáin a mbíonn breithniú an Bhoird riachtanach dóibh:** is é 66 lá ar an meán an scála ama le gearáin den chineál sin a phróiseáil.

Déanann an Coimisiún dian-mhonatóireacht ar an scála ama don phróiseas gearáin.

- 2.4 Lean an Coimisiún ar aghaidh ag cinntiú go gcuirfí a chuid seirbhísi chun cinn ar feadh na bliana trí fhógraí a chur sa phreas náisiúnta agus san RTÉ Guide. Ina theannta sin, chun cabhrú le lucht déanta gearáin agus iad i mbun gearáin a dhéanamh, rinneadh athbhreithniú agus feabhsú ar an bhfoirm gearáin agus an leabhrán treoir agus tá foirmeacha iníoslódáilte ar fáil ar láithreán gréasáin an Choimisiúin.

3 Feidhmeanna an Choimisiúin

- 3.1 Comhlacht neamhspleách reachtúil is ea an Coimisiún um Ghearáin Chraolacháin (CGC). Is é an tasc atá aige gearáin faoi ábhar a chraoltar a mheas agus moltóireacht a dhéanamh orthu, idir chláir agus fógraí, maidir le claontacht san nuacht agus i gcúrsaí reatha; caoinbhéasa agus cuibheas; ord agus dlí; príobháideacht an duine; cóid fógraíochta; clúmhillleadh; ábhar foilsithe i leith RTÉ; agus toirmisc Airí.
- 3.2 Tig le héinne den lucht féachana nó den lucht éisteachta gearán a chur faoi bhráid an Choimisiúin muna mbíonn siad sásta le hábhar a chraoltar ar sheirbhís craolacháin Éireannach faoi aon cheann de na catagóir atá liostaithe thuas.
- 3.3 Gabhann Téarmaí tagartha an Choimisiúin as achtanna éagsúla reachtúla, an ceann is deanaí an tAcht Craolacháin, 2001.
- 3.4 Le linn 2007, thug Coimisiún Craolachain na hÉireann dhá chód nua isteach. Anois, agus gearáin á ndéanamh a bhaineann le caoinbhéasa agus cuibheas i gcláir agus i bhfógraí, is féidir le gearáin tagairt a dhéanamh don Chód chaighdeán Cláir agus don Chód Ginearálta Fógraíochta. Baineann na cóid sin le gach craoltóir ceadúnaithe in Éirinn agus tá siad ar fáil ar iarratas ó oifigí an Choimisiúin nó ar a láithreán gréasain, www.bcc.ie.

4 Gearáin

- 4.1 Ní mór gach gearán a aighniú i scríbhinn agus caithfear ainm agus seoladh an ghearánaí, am agus dáta an chraoladh, ainm an stáisiúin, an catagóir faoina bhfuil an gearán á aighniú agus cur síos gairid ar an gclár nó ar an bhfógra ábhartha a shonrú.
- 4.2 Seoltar ar aghaidh litir an ghearánaí chuig an gcráoltóir ábhartha a bhfuil fiche haon lá aige freaghairt a dhéanamh más sin is mian leis. D'fhéadfadh fostaí de chuid an chraoltóra nó léiritheoir neamhspleách iarraidh tuairim a thabhairt faoi ghearán. Má mheasann an Coimisiún ndéanfaí dochar do leasa an fhostaithe, nó go ndéanfaí dochar d'ionchais an léiritheora neamhspleách coimisiúin cláir a fháil ón gcráoltóir ábhartha mar thoradh ar an ngearán, ansin d'fhéadfaí go dtabharfaí an deis dó/di tuairim a thabhairt.

Nuair is maidir le fógra atá an gearán, tugann an Coimisiún an deis don té atá freagrach as an bhfógra a aighniú freagairt a dhéanamh.

- 4.3 Má bhíonn an gearánaí sásta leis an bhfreagairt/ na freagairtí, meastar go bhfuil an gearán réitithe agus dá réir sin, dúnta.
- 4.4 Muna mbíonn an gearánaí sásta leis an bhfreagairt/na freagairtí, scaiptear gach comhfhreagras gearánta ábhartha maraon le taifead den gcráoladh ábhartha ar Chomhaltaí an Bhoird lena mbreithniú agus le teacht ar chinneadh.

- 4.5 Faoin 31 Nollaig, 2007, fuair an Coimisiún 349 gearán a bhí inghlactha. Freisin, tugadh 45 chás ar aghaidh ón bhliain 2006 a raibh breithniú agus cinneadh ón mBord de dhíth ar 20 acu sin.
- 4.6 As na gearáin a fuarthas iad i 2007;
- Réitíodh 157 acu ag céim an chomhfhreagrais. Ghlac na gearánaigh le tuairimí na gcraoltóirí agus/nó na bhfógróirí agus/nó na léiritheoirí neamhspleácha agus dá réir sin ní raibh gá go ndéanfadh an Coimisiún um Ghearáin Chraolacháin a thuilleadh iniúchadh orthu.
 - Bhí breis iniúchadh de dhíth ar 144 ghearán agus dá bhrí sin rinne Bord an Choimisiúin breithniú orthu.
 - Tharraing na gearánaigh siar 7 ngearán, go príomha de bharr cheisteanna príobháideachais.
 - Ag an 31 Nollaig, 2007, bhí próiseáil á déanamh ar 61 cásanna.
- 4.7 Fuarthas go raibh 209 ghearán neamh-bhailí de bharr cheisteanna ama, nó de bharr faisnéise neamh-iomlána nó toisc nár tháinig siad laistigh de scóip théarmaí tagartha BCC agus/nó na gcatagóir ábhartha gearáin.

4.8 Thug tabhairt isteach an Chód Chaighdeán Cláir i Mí Aibreán 2007 aghaidh ar an aimhrialacht san Acht Craolacháin 2001, ar dá réir nár chuimsigh cumhachtaí reachtúla an BCC cúrsaí caoinbhéasa agus cuibhis i leith cláracha RTÉ. Fuair an Coimisiún 23 ghearán i scríbhinn faoin gcatagóir caoinbheasa agus cuibheas a bhain le cláir RTÉ roimh thabhairt isteach an Chóid. Cuireadh na gearáin sin ar aghaidh chuig an gcraoltóir, a raibh comhfhreagras díreach acu ina dhiaidh sin leis na gearánaigh. Chuir an Coimisiún fáilte roimh thabhairt isteach an Chóid agus ach go hairithe roimh an chomhionannas a éascaíonn sé sa phróiséas gearáin do bhaill an phobail.

Bhí an éisteacht a d'éiligh RTÉ ar athbhreithniú breithiúnach maidir le cinneadh a rinne an BCC i Mí na Nollag, 2005, fós ar feitheamh ar an 31 Nollaig 2007.

4.9 Tábla Achoimre na ngearán don bhliain 2007

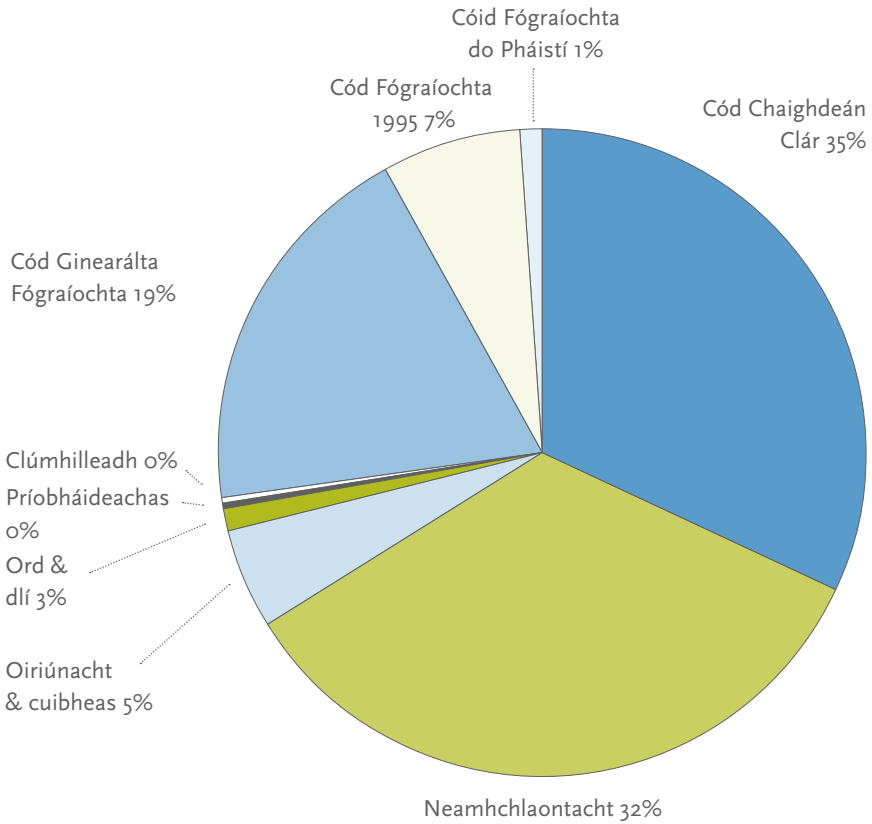
**Iomlán na ngearán inglactha
ar aighníodh iad le linn 2007: 349**

**Iomlán na ngearán neamh-bhailí
ar aighníodh iad le linn 2007: 209**

Gearáin a fuarthas iad sa bhliain 2007 Miondealú de réir Chatagóir	Líon
Neamhchlaontacht	110
Oiriúnacht agus cuibheas	16
Cód Chaighdeán Clár (10 Aibreán 2007)	126
Cóid Ghinearálta Fógraíochta (10 Aibreán 2007)	66
Cód Fógraíochta 1995	24
Cód Fógraíochta do Pháistí	2
Clúmhillleadh	1
Sárú ar Phríobháideachas	1
Ord agus dlí	3

Na Catagóirí Gearáin

Neamhchlaontacht	110
Cód Chaighdeán Clár	126
Oiriúnacht agus cuibheas	16
Ord agus dlí	3
Príobháideachtas	1
Clúmhillleadh	1
Cód Ginearálta Fógraíochta	66
Cód Fógraíochta 1995	24
Cóid Fógraíochta do Pháistí	2
Iomlán	349



4.10 Táblaí Achoimre de stádas na ngearán
a) bliain 2007

Stádas na ngearán a rinneadh iad sa bhliain 2007	Líon
Réitithe ag céim an chomhfhreagrais	157
Cinntí Boird i Leith Gearán faoi dheireadh na bliana	124
Glactha	25
Diúltaithe	94
Neamhbailí	3
Níor ceadaíodh dóibh a bheith anaithnid	2
Tharraingthe siar ag gearánaithe	7
Fós sa phróiséas ar an 31 Nollaig 2005	61
Gearán neamh-bhailí	209

b) Bliain 2006 tugtha ar aghaidh; 45 complaints

Stádas na ngearán ar tugadh ar aghaidh iad ó 2006	Líon
Réitithe ag céim an chomhfhreagrais	25
Breithniú an Bhoird de dhíth	20
Glactha	10
Diúltaithe	9
Níor ceadáíodh dóibh a bheith anaithnid	1

4.II Tábla na ngearán a rinne an Bord breithniú orthu sa bhliain 2007

Gearáin a rinne an Bord breithniú orthu sa bhliain 2007	Líon
Gearáin ar rinneadh iad sa bhliain 2007	124
Gearáin ar tuga ar aghaidh iad ón bhliain 2006	20
Cinntí:	
Glactha	35
Diúltaithe	103
Níor ceadáíodh dóibh a bheith anaithnid	3
Neamhbailf	3

The complaint decisions made by the Commission during 2007 are available on the disc enclosed, on the Commission's website, or on request from the offices of the Commission.

Tá na cinntí i leith gearán a rinne an Coimisiún i rith 2007 ar fáil ar an diosca iniata, ar shuíomh idirlín an Choimisiúin, nó ar iarratas ó oifigí an Choimisiúin.

Broadcasting Complaints Commission,
2 - 5 Warrington Place, Dublin 2.

T: 01 644 1280 F: 01 676 0948

E: info@bcc.ie www.bcc.ie