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Section 1. Introduction and Context

News and current affairs are key elements of public service broadcasting. The daily Irish language news bulletins broadcast on TG4’s television channel are compiled and presented by Nuacht TG4, a unit of RTÉ’s News Division. This comprises most of the channel’s news output. It is compiled by journalists employed by RTÉ as part of its News Division who are subject to the various BAI and RTÉ Codes and Guidelines obtaining for all RTÉ journalists and current affairs staff.

TG4’s current affairs output can be divided into two categories – (i) live studio discussion programmes produced in-house by TG4’s own staff and (ii) occasional individual programmes from the commissioned Irish language content produced by independent production companies. All of these are pre-recorded.

These Guidelines specifically address issues of concern for those involved in producing Irish language current affairs programmes for broadcast on TG4’s television channel. Separate considerations which apply to more general programming are addressed in TG4’s Programme Standards Guidelines (2012). Programme-makers should also take account of requirements found in the BAI Code of Fairness, Objectivity & Impartiality in News and Current Affairs and the BAI Guidance on that Code, which are set out in the Schedule.

These TG4 Journalism guidelines are subject to regular review. Please ensure that it is always the most recent edition that is consulted. The date on which the Guidelines were last reviewed can be found on the cover.
Section 2. TG4’s Editorial Values

TG4’s vision is ‘to continue to promote successfully Irish language and culture using television and web content so as to ensure a central place in Irish people’s lives, both in Ireland and abroad.’

TG4’s editorial values include a commitment to:
- Operate in the public interest, providing news and current affairs that is fair and impartial, accurate and challenging
- Be honest and transparent in all of our activities
- Take personal responsibility for pursuing the organisation’s goals

These Journalism Guidelines set out TG4’s approach to embedding those values in all our journalistic activity no matter how it is created and however it is received by our audiences. Our guidelines are to be applied in a way which maintains independence and deserves trust without constraining legitimate journalistic enquiry.

From time to time our journalism may be so challenging that it offends or shocks; that is a sign of strength, not weakness. However the freedom to publish carries the responsibility to act with integrity and maintain the highest standards of professional responsibility. These Guidelines set out the standards expected of everyone making or presenting TG4’s output. They are intended to provide clear advice to anyone, in-house or commissioned, on how to deal with difficult editorial issues, meet the expectations of our audience, and produce distinctive and challenging content to the highest ethical and professional standards.

Any proposal to step outside them for reasons of over-riding public interest must be discussed and agreed in advance with the Ardstiúrthóir.

While the Guidelines contain many imperatives, they should not be regarded as a substitute for the personal qualities and responsibility expected of TG4 staff (and independent programme-makers): integrity, fairness, open-mindedness, self-criticism and an appreciation of the potentially significant consequences of broadcast journalism, especially for vulnerable individuals or groups in society.

As well as representing the values and standards of TG4, the Journalism Guidelines reflect the relevant provisions of Section 39 of the Broadcasting Act 2009. They also reflect the provisions of the Code of Fairness, Objectivity & Impartiality in News and Current Affairs and the BAI Guidance in respect of the Code issued by the Broadcasting Authority of Ireland (referred to as the BAI in these Guidelines), which has the responsibility of drawing up codes which govern standards and practices to be observed by all broadcasters licensed in the Republic of Ireland. The BAI Code and the BAI Guidance on the Code can be found in the Schedule and on the BAI website (www.bai.ie)
Section 3. The Broadcasting Act 2009
Section 39 of the 2009 Act lays down the duties and obligations for public service broadcasting (RTÉ and TG4) and for all licensed commercial and community broadcasters. The key duties are to ensure that:

(1) All news broadcast by the broadcaster is reported and presented in an objective and impartial manner and without any expression of the broadcaster's own views.

(2) The broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of his or her own views, except that should it prove impracticable in a single broadcast to apply this paragraph, two or more related broadcasts may be considered as a whole, if the broadcasts are transmitted within a reasonable period of each other.

(3) Anything which may reasonably be regarded as causing harm or offence, or as being likely to promote, or incite to, crime or as intending to undermine the authority of the State, is not broadcast by the broadcaster, and

(4) In programmes broadcast by the broadcaster, and in the means employed to make such programmes, the privacy of any individual is not unreasonably encroached upon.
TG4’s Editorial Principles

Trust and Accuracy (section 7)

Trust is the corner stone of TG4: we seek to be honest, reliable, authoritative, impartial and independent of vested interests.

We strive for accuracy in all our output. Our reporting is well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We are honest about what we do not know and avoid unfounded speculation.

Objectivity and Impartiality (section 8)

We provide impartial news, current affairs and factual programmes. We aim to present content that addresses a broad range of subjects and issues. We seek to:

- maintain a balance of opinion that reflects the weight of evidence
- ensure fair treatment
- be open-minded
- provide opportunities over time so that no significant strand of thought is ignored or under-represented.

Editorial Integrity and Independence (section 9)

We must maintain our independence and integrity if we are to win the trust and respect of the community. TG4’s audiences should be confident that our editorial decisions are not influenced by outside interests, political or commercial pressures, or by any personal interests.

Serving the Public Interest (section 10)

We report stories of significance to our audience. We are rigorous in establishing the truth of a story and we are well informed when explaining it. We ask searching questions of those who hold public office and others who are accountable, and we provide a comprehensive forum for public debate. The concept of the public interest is treated in Section 10.

Fairness (section 11)

We respect our contributors and our audiences. We deal with them and the issues we report fairly. Our output is based on honesty and straight dealing.

Privacy (section 12)

We respect privacy and do not infringe it without good reason, wherever we are operating. Intrusion into a person’s private life without consent must be justified in the public interest and the extent of the intrusion must be limited to what is proportionate in the circumstances.
**Accountability (section 16)**

We hold ourselves to the same standards of accountability we expect of others. We are open in correcting mistakes when they are made and encourage a culture of willingness to learn from them.

We comply with our legal and regulatory obligations set out in the Broadcasting Act and deal with the BAI in an open, timely and co-operative manner.

**Section 5. Roles and Responsibilities**

**5.1 Editorial Responsibility**

Editorial responsibility within TG4 rests with the editorial chain of management through to the Stiúrthóir Coimisiúnaithe, for non-news content, to the Príomh-Eagarthóir, Nuacht, for Irish language news content and the Ardstíúrthóir, who is the editor-in-chief for all content output by TG4. All those involved in the creation of TG4 content including researchers, reporters, producers and editors are required to exercise editorial responsibility for it. When in doubt about an editorial matter, refer it up to the editorial management chain for advice or decision. When any editorial matter (including an editorial matter not being referred up for advice or decision) is likely to cause controversy or have an extraordinary impact, programme-makers are obliged to give proper notice of it to the Stiúrthóir Coimisiúnaithe. It is the role and responsibility of editorial managers to provide guidance, support and oversight of the editorial process and ensure it is robust.

Independent production companies should refer to the relevant Eagarthóir Coimisiúnaithe.

Whenever significant legal issues may be involved this must be communicated at an early stage to the Rannóg Dí.

**Mandatory Obligation 1**

> Knowledge of these guidelines is the personal responsibility of all production staff and an essential professional requirement and a matter of contractual obligation.

**5.2 TG4 Ardstíúrthóir as Editor-in-Chief**

In accordance with the Broadcasting Act 2009, the TG4 Ardstíúrthóir acts as editor-in-chief in respect of all content broadcast or published by TG4. However, it is not possible or practical for the Ardstíúrthóir to be involved in routine day to day editorial decision making across all of TG4’s output. The Ardstíúrthóir’s editorial role is therefore primarily a strategic one, where he/she sets overall editorial standards, priorities and direction for the organisation.
Mandatory Obligation 2

Any proposal to proceed with a programme despite legal advice of a significant or serious risk must be referred to the Stiúrthóir Coimisiúnaithe. If the Stiúrthóir Coimisiúnaithe proposes to broadcast the programme he must bring the matter to the attention of the Ardstiúrthóir in accordance with procedures in section 17 Legal Liabilities and the Relationship with the Rannóg Dlí.

Section 6. TG4 Meitheal Eagarthóireachta

In addition to Eagarthóirí Coimisiúnaithe, TG4 has a Meitheal Eagarthóireachta to maintain and monitor contents standards. It’s core functions include:

1. For a pre-broadcast assessment where a significant pre-recorded investigative programme is planned, the relevant Eagarthóir Coimisiúnaithe shall present a detailed report to the Meitheal at least 21 days in advance of scheduled transmission to enable an assessment of the quality of the report, the reliability of the evidence that supports the claims being made and to determine the public interest justification of the report.
2. To provide an independent assessment of the merits of formal and substantive complaints lodged against TG4 programmes and output in order to determine TG4’s response to such complaints.
3. To carry out reviews of TG4’s Programmes and output, selected post-transmission, to ensure consistency with TG4’s Programme Standards and Guidelines. The outcome of these reviews will be reported to the Stiúrthóir Coimisiúnaithe.
Section 7. Trust and Accuracy

7.1 Trust

Trust requires confidence that TG4’s journalists, programme-makers and content creators are straightforward and honest in all that we do. TG4 exists to serve all the people of Ireland. Their expectation is that we will treat their interests, views and beliefs accurately and fairly; that we make our best effort to be truthful; that we do not favour one side or another of a contested issue; that we don’t represent vested interests; and that we have no personal interest in what we broadcast.

7.2.1 BAI Rules

The following are the BAI rules in relation to Accuracy and Responsiveness:

17. News and current affairs content shall be presented with due accuracy, having regard to the circumstances and the facts known at the time of preparing and broadcasting the content.

18. Two, or more, related broadcasts may be considered as a whole if the broadcasts are transmitted within a reasonable time period and such links are made clear to the audience.

19. Views and facts shall not be misrepresented or presented in such a way as to render them misleading. Presenters should be sensitive to the impact of their language and tone in reporting news and current affairs so as to avoid misunderstanding of the matters covered.

20. A significant mistake shall be acknowledged and rectified as speedily as possible, in an appropriate and proportionate manner. A broadcast correction or clarification shall have regard to the time and circumstances of the original broadcast.

7.2.2 BAI principles on Accuracy & Responsiveness

The BAI principles on accuracy and responsiveness are as follows: Audiences are entitled to, and do, trust that the news and current affairs content they access from the broadcast media is accurate. Accurate information enables citizens to participate more fully in a democratic society. Accuracy is therefore a fundamental principle associated with the broadcast of news and current affairs content and should always take priority over the speed with which content can be delivered. It is also acknowledged that despite best efforts, inaccurate information can sometimes be conveyed, whether explicitly or implicitly. The principle of responsiveness is designed to ensure that broadcasters adopt fair, timely and appropriate remedies in handling the broadcast of inaccurate information.
7.2.3 TG4’s standards on Accuracy

- Take all reasonable efforts to ensure that material facts are accurate and presented in context
- Do not present factual content in a way that will materially mislead the audience. (In some cases, this may require appropriate labels or other explanatory information)
- Acknowledge significant factual errors and correct them quickly, clearly and appropriately in consultation with the relevant editorial manager.

We should try to witness events and gather information wherever possible at first hand. Where this is not possible, we should talk to first hand sources and, where necessary, corroborate their evidence. We should be reluctant to rely on a single source especially if the information from that source has been given on condition of anonymity. If we do rely on a single source, a named on-the-record source is always preferable.

7.3 Accuracy
Accuracy is not simply a matter of getting facts right. If an issue is controversial, relevant opinions as well as facts may need to be considered. All relevant facts and available information should be weighed to get at the truth.

Where appropriate to the output, we should:
- gather material using first hand sources wherever possible
- check and cross check facts
- validate the authenticity of documentary evidence and material
- and wherever possible corroborate claims and allegations made by contributors and ensure that contentious statements or opinions are not cloaked by anonymity.

In news and current affairs content, achieving accuracy is more important than speed.

A commitment to accuracy includes a willingness to correct significant errors and clarify ambiguous or otherwise misleading information in as timely and appropriate a manner as possible. Swift and prominent correction can reduce harmful reliance on inaccurate information, especially given that content can be quickly, widely and permanently disseminated.

7.4 Sources of information

We normally identify sources of information and significant contributors, and provide their credentials, so that our audiences can judge their status. We normally require two sources before we broadcast something as a fact. If we have to rely on a single source we must be very confident that the information is
accurate and the source reliable. If we have been unable to verify material sufficiently, we should say so and attribute the information.

Protecting the identity of confidential sources is an important journalistic principle. However, when relying on an anonymous source, we should satisfy ourselves that extending the protection of anonymity is essential to the telling of the story. In such cases we should also give our audience whatever information we can about the source in a form that provides some evidence of their credibility but that does not materially mislead about the source’s status, and does not put their anonymity at risk. It is always important to ask: how does this person know, and why are they telling us this now?

In a story originated by TG4 for a non-news programme, the relevant Eagarthóir Coimisiúnaithe has the right to ask for the identity of the key source. In cases involving serious allegations we should resist any attempt by an anonymous source to prevent their identity being revealed to the Eagarthóir Coimisiúnaithe. If this happens, the reporter should make it clear that the information obtained confidentially may not be broadcast.

We should record our research interviews with sources wherever possible and where consent for recording has been obtained from those being interviewed. In circumstances where recording might inhibit the source, full notes should be made, preferably at the time or, if not, as soon as possible afterwards, and preserved by the staff member concerned.

We should take accurate, reliable and, wherever possible, contemporaneous notes of all significant research and other relevant information. We must keep records of research including written and electronic correspondence, background notes and documents. They should be kept in a way that allows for double-checking, particularly at the scripting stage, and if necessary by another member of the team.

There are separate considerations for reporting social media such as Twitter or Facebook and other user generated content. We should not automatically assume that the material is accurate and should take reasonable steps, depending on how it is to be used, to seek verification both of its accuracy and origin. We must take special care over how we use any material that we suspect has been supplied by a member of a lobby group or organisation with a vested interest in the story, rather than by a disinterested bystander. See also Guidance on reporting from the Internet and Social Media sources at Appendix 2.

7.5 Use of reconstructions of current events
News programmes should not normally stage reconstructions of current events because of the risk of confusing the audience. Where current affairs or factual programme use reconstructions they should be authentic and neither mislead nor sensationalise. They should also be identifiable as reconstructions, for example, by using verbal or visual labelling or visual or audio cues, such as slow motion or
grading. It should also be obvious to the audience where a reconstruction begins and ends.

The label “Reconstruction” should only be used where what is represented is in fact a reconstruction; where the representation does not attempt to reconstruct events but merely uses a visual or audio device to illustrate them this should be made clear to the audience.

**Section 8. Objectivity and Impartiality**

**8.1.1 TG4’s Role pursuant to the Broadcasting Act 2009:**

TG4, a broadcaster operating under statute with public funds, is a significant provider of space for public debate and is therefore expected to be different from other media. The viewing public should be able to see and hear all sides of the debate. They should be able to regard TG4 and the presenters of its programmes to be neutral on issues of public controversy as required by section 39 of the Broadcasting Act 2009.

In its programming, TG4 must reflect the main trends of thought and the major currents of opinion, but without over-simplifying complex issues or arbitrarily excluding relevant minority viewpoints. These minority viewpoints will often be critical viewpoints and TG4 recognises that those who hold such positions stand counter to the main trends of thought and the major current of opinion. It means that programme-makers accept an obligation to present fairly the weight of the evidence, and to report and interpret events in a manner that respects the context as well as the highlights of news and current affairs.

TG4 must be a key purveyor of impartial information to the Irish people. Whatever licence may exist for opinion and expression of personal views in general programming, there is a strict obligation within current affairs programming to observe due impartiality.

**8.1.2 BAI Rules on Objectivity & Impartiality**

The following are the BAI rules on Objectivity and Impartiality:

17. News and current affairs content shall be presented with due accuracy, having regard to the circumstances and the facts known at the time of preparing and broadcasting the content.

18. Two, or more, related broadcasts may be considered as a whole if the broadcasts are transmitted within a reasonable time period and such links are made clear to the audience.
19. Views and facts shall not be misrepresented or presented in such a way as to render them misleading. Presenters should be sensitive to the impact of their language and tone in reporting news and current affairs so as to avoid misunderstanding of the matters covered.

20. A significant mistake shall be acknowledged and rectified as speedily as possible, in an appropriate and proportionate manner. A broadcast correction or clarification shall have regard to the time and circumstances of the original broadcast.

21. A news presenter and/or a reporter in a news programme may not express his or her own view on matters that are either of public controversy or the subject of current public debate.

22. It is an important part of the role of a presenter of a current affairs programme to ensure that the audience has access to a wide variety of views on the subject of the programme or item; to facilitate the expression of contributors’ opinions – sometimes by forceful questioning; and to reflect the views of those who cannot, or choose not to, participate in content. This being so, a presenter and/or a reporter on a current affairs programme shall not express his or her own views on matters that are either of public controversy or the subject of current public debate such that a partisan position is advocated.

23. ‘Personal view’ or ‘authored’ current affairs segments or programmes can be appropriate, subject to normal editorial controls. This does not exempt the segment or programme – or a series of related segments/programmes – from the statutory obligations to be impartial, objective and fair to all interests concerned. Similarly, an “authored” item or programme may be permitted if part of a series of related segments/programmes which, taken together, will discharge the statutory obligations.

24. A ‘personal view’ or ‘authored’ programme or segment shall be clearly signalled to the audience at the outset, or in the case of a series of segments or programmes, at the start of each one.

25. Each broadcaster shall have and implement appropriate policies and procedures to address any conflicts of interests that may exist or arise in respect of anyone with an editorial involvement in any news or current affairs content, whether such person works on-air or off-air.

26. Any personal, professional, business or financial interest of anyone with an editorial involvement in news or current affairs content that calls into question (or that might reasonably be perceived as calling into question) the fairness, objectivity or impartiality of a programme or item, shall be brought to the attention of the audience. To this end broadcasters shall satisfy themselves that they are in a position to be aware of the relevant interests of the personnel concerned, and to determine whether the interest concerned is of such extent as would warrant the withdrawal of any person from further involvement in the item or programme.
8.1.3 BAI principles on Objectivity & Impartiality

The following are the BAI principles on Objectivity and Impartiality:
The principles of objectivity and impartiality are concerned with ensuring that news and current affairs content is compiled, produced and presented in a manner which is and can be seen as independent, unbiased, and without prejudice. The rules set out in this Code with regard to objectivity and impartiality should not be taken to imply that a presenter or a reporter cannot convey critical views or pursue vigorous lines of questioning. Indeed, this is often required in order to achieve fairness, objectivity and impartiality. What is necessary, however, is that production, reporting and questioning on any news or current affairs item is credible, trustworthy and editorially independent.

8.2 TG4’s standards on Objectivity and Impartiality

- Gather and present news and information with due impartiality.
- Present a diversity of perspectives so that, over time, no significant strand of thought or belief is either knowingly excluded or disproportionately under or over represented.
- Do not state or imply that any perspective is the editorial opinion of TG4. TG4 takes no editorial stance other than its commitment to fundamental democratic principles including the rule of law, freedom of expression and religion, parliamentary democracy and equality of opportunity.
- Do not misrepresent any perspective.
- Do not unduly favour one perspective over another.

8.3 Diversity of programming

TG4 is obliged to provide a service primarily in the Irish language which is available to all the people of Ireland and have special regard for the Gaeltacht. Its output should reflect their experiences and interests. As Irish society changes, TG4 must be sensitive to those changes.

TG4’s output must reflect fairly the mosaic that is Ireland today with its religious and spiritual beliefs, its ethnic mix, its age and sex profile, its equality and inequalities, its educational attainments, its political views, its geographical spread, its economic positions, its linguistic mix, its diverse interests in arts and sports, and its cultural diversity. Programme contributors and the values found in programming need to reflect that diversity.

Programming should address a broad range of subjects from a diversity of perspectives in diversity of ways and from a diversity of sources. That includes content created by TG4 staff, that generated by audiences, and that commissioned or acquired from independent programme makers. We seek to maintain a balance of opinion that reflects the weight of the evidence.
Impartiality does not require that every perspective receives equal time, or that every facet of every argument is presented. It cannot always be achieved within a single broadcast but must be achieved within a reasonable period by a balancing contribution which is clearly signposted as such.

Reflection of a range of views does not allow for the incitement of hatred towards any group on the basis of their ethnic origin, nationality, religion, race, gender, sexual orientation, marital status, disability, illness, age or membership of the travelling community.

8.4 Personal views of presenters, reporters and correspondents

Presenters, reporters and correspondents are the public face and voice of TG4 – they can have a significant impact on perceptions of whether due impartiality has been achieved. Our audiences should not be able to tell from our output the personal views of our journalists or news and current affairs presenters on matters of public policy or public controversy, political or industrial controversy, or on ‘controversial subjects’ in any other area. They may question vigorously or provide professional judgements, rooted in evidence, but may not express personal views in TG4 output, online or elsewhere, and must be careful in their use of social media to avoid any perception of partiality.

Personal view programmes or “authored” items are acceptable, subject to normal editorial control, but their inclusion does not exempt the programme (or a series of related programmes) from the obligation to be impartial, objective and fair to all interests concerned. Such programmes or items must be clearly signalled to the audience at the outset, or in the case of a series of programmes, at the start of each programme.

We should not automatically assume that contributors from other organisations (such as academics, journalists, researchers and representatives of charities) are unbiased and we may need to make it clear to the audience when contributors are associated with a particular viewpoint or special interest, if it is not apparent from their contribution or from the context in which their contribution is made.
8.5 Presenters and programme-makers and potential conflict of interest

Presenters and programme-makers should declare any potential conflict of interest to the relevant Eagarthóir Coimisiúnaithe. TG4 implements appropriate policies and procedures to address any conflicts of interests that may exist or arise in respect of anyone with an editorial involvement in any news or current affairs content, whether such person works on-air or off-air.

TG4 ensures that any personal, professional, business or financial interest of anyone with an editorial involvement in news or current affairs content that calls into question (or that might reasonably be perceived as calling into question) the fairness, objectivity or impartiality of a programme or item, shall be brought to the attention of the audience. To this end TG4 implements appropriate policies and procedures to ensure that it is in a position to be aware of the relevant interests of the personnel concerned, and to determine whether the interest concerned is of such extent as would warrant the withdrawal of any person from further involvement in the item or programme.

Programme makers and presenters must ensure in their use of social media that they avoid damaging perceptions of their own or TG4’s impartiality

Journalists reporting on social media or using social media should consult the relevant guidelines (see appendix 2)
Section 9. Editorial Integrity and Independence

9.1 Public Service and Integrity and Independence

TG4 exists to serve the public. The public must have confidence in the integrity and independence of what they hear and see on TG4’s services. We have an obligation to be independent of all vested interests and not to compromise ourselves for any reason.

TG4 must be editorially independent of government, business interests, political parties, trade unions, and pressure groups. There is no room for any perception that presenters, reporters or producers personally benefit from their decisions as to who participates in programmes, what products are featured and what issues are discussed.

Equally importantly, there must be no grounds for the perception that editorial decisions in some way reflect the personal views of production teams. As citizens, all programme-makers have rights to their own private views about topics of current debate. These views must not be seen to determine agendas, lines of questioning, or editorial decisions in programming.

9.2 TG4 Standards on editorial independence and integrity

- Maintain the independence and integrity of TG4
- Exercise TG4 editorial control over the content TG4 broadcasts or publishes.
- Ensure that editorial decisions are not improperly influenced by political, sectional, commercial or personal interests
- External activities of individuals undertaking work for TG4 must not undermine the independence and integrity of editorial content.

Mandatory Obligation 3

Any personal, professional, business or financial interest which could call into question the perceived fairness, objectivity or impartiality of a presenter or staff member should be declared to the Ardstiúrthóir.

If the Ardstiúrthóir deems that the conflict of interest might be perceived as significant, the presenter or reporter may be asked to resolve the conflict by not working on the project, or by declaring the interest on-air.
9.3 Financial journalism

To ensure that our audiences can be confident that TG4’s output is not undermined by the outside activities or financial interests of any of our people, journalists and presenters covering financial news should register all their shareholdings, financial and business interests or dealings in securities.

TG4 presenters and journalists must not engage in insider dealing by using for their own profit or for the profit of a third party, any financial information they receive in advance of its general publication. In considering whether information is insider information journalists should have regard to whether it is information which is precise and which an investor would be likely to base an investment decision.

TG4 journalists must not engage in market manipulation. In particular, journalists must not give false or misleading signals as to the supply of, demand for or price of financial instruments.

Any journalists engaged in financial journalism or any form of reporting on financial markets must not engage in insider dealing or market manipulation. Insider dealing and market manipulation are criminal offences and can potentially attract a fine not exceeding €10,000,000 and a prison sentence of up to 10 years.

**Mandatory Obligation 4**

| Financial journalists must not promote, or give the impression of promoting, any business or financial service in our output. |

The law imposes particular rules in respect of the production and distribution of investment recommendations. In this context, a recommendation has a precise statutory meaning, that is “research or other information recommending or suggesting an investment strategy, explicitly or implicitly, concerning one or several financial instruments or the issuers of financial instruments including any opinion as to the present or future value or price of such instruments, intended for distribution channels or for the public”.

Any such recommendations must be clear and not misleading and the source should be disclosed. If a TG4 journalist is to make a recommendation she/he must disclose all of the circumstances that may reasonably be expected to impair the objectivity of the recommendation. This includes disclosure of any interest in the financial instruments which are the subject of the recommendation held by that journalist or a member of their close family.
9.4 Acceptance of Gifts

TG4 presenters and other production staff, including freelance contractors and sole traders, must not accept any offers which might compromise TG4’s independence and integrity. In particular the acceptance of gifts beyond those of a nominal value is not permitted.

Mandatory Obligation 5

All requests for speaking engagements, chairing of meetings, including of a charitable/not-for-profit nature, must be referred to the Leascheannasai for approval in advance.

9.5 Involvement in commercial activity and investments

Freelance or independent contractors employed as presenters by TG4 are obliged to disclose any commercial activity or investments they are involved in which might compromise TG4 to the Stiúrthóir Coimisiúnaithe or the Ardstíúrthóir.

Mandatory Obligation 6

TG4 presenters must not promote in their programmes commercial ventures that they are associated with or from which they stand to gain financially.

9.6 Wearing of religious or Political Badges or Symbols

TG4 does not permit presenters to wear religious or political badges or symbols on screen which could be perceived to undermine editorial independence.
Section 10. Serving the Public Interest

10.1 Public interest requirements pursuant to the Broadcasting Act 2009

TG4 is required by section 118 (2) of the Broadcasting Act 2009 to be:

- Responsive to the interests and concerns of the whole community, be mindful of the need for understanding and peace within the whole island of Ireland, ensure that the programmes reflect the varied elements which make up the culture of the people of the whole island of Ireland, and have special regard for the elements which distinguish that culture and in particular for the Gaeltachtáin,
- Uphold the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, and
- Have regard to the need for formation of public awareness and understanding of the values and traditions of countries other than the State, including in particular those of other Member States of the European Union.

We commit to investigate stories of significance and to hold to account those who hold public office or who are in other ways responsible to the public. Our approach to serving the public interest is by reporting on such matters and providing a forum for national debate on related and other significant issues.

10.2 Our standards on serving the public interest

TG4’s investigations and reporting will be proportionate to what is being investigated and clearly targeted. That implies:

- a clear sense of what the public interest justification might be
- the possession of some justifying evidence to take an investigation forward so that it is not a “fishing expedition”
- the avoidance of subterfuge except in clearly defined and authorised circumstances
- very clear rules whenever secret recording is involved
- a clear set of authorisations from within the editorial line management chain
- a clear rationale for what is eventually put into the public domain, and how.

10.3 Our approach to serving the public interest

We base our approach on the following assumptions:

- Citizens in a democratic state have an interest in information about the workings of the state, its institutions and officials, both elected and appointed. This interest, however, is not confined to the state’s institutions, but also to private corporations and individuals and to voluntary organisations which require the public’s trust.
• When an individual holds an office, whether in a public institution or a private company or voluntary organisation which seeks the public’s trust, it is in the public interest that that individual’s actions in pursuit of these goals be open for inspection, analysis and investigation by the news media.

• Such an individual is to be judged for his/her public acts, not private ones. In this case, “private” should be taken to mean issues to do with personal relations, personal communications, beliefs and past affiliations unless these can be shown to be directly and significantly relevant to the performance of their public duties. The test is always the impact on public actions or duties.

• The division between private and public is rarely absolute: if, in an investigation, links are shown to exist between the public and the private, then the latter becomes a legitimate area of inquiry.

• We report and show the consequences of violence, tragedy, trauma or criminal exploitation with sensitivity and care. We do not flinch from revealing reality but avoid causing gratuitous distress to victims, witnesses or bereaved relatives.

Investigations are obviously an important way of uncovering matters of public interest ranging from maladministration, crime and corruption, the misuse of public funds, the abuse of those in the care of the state, the state of anti-social behaviour to the questionable activities of individuals or groups of professionals.

Any public interest justification will include:

• Disclosing information that allows people to make a significantly more informed decision about matters of public importance

• Preventing people from being misled by some statement or action of an individual or organisation

• Informing debate on key issues

• Promoting accountability and transparency for decisions and public spending

• Revealing crime or significantly anti-social behaviour

• Exposing fraud and corruption

• Helping people understand and challenge decisions affecting them.

10.4 Investigations and public interest

Mandatory Obligation 7

Any proposal beyond preliminary research to undertake an investigation into serious crime or significant anti-social behaviour or another issue in the public interest must be referred to the Stiúrthóir Coimisiúnaithe.

Accurate and reliable note-taking is an essential and prime journalistic craft; it can also be crucial to protecting the reputation of an investigative programme, its production team and TG4.
When filmed evidence is later disputed by those under investigation, records and notes documenting the rationale for the investigation and why it is considered to be in the public interest, what has been captured, how it was recorded and any relevant surrounding events are an important tool for validating the recording and the programme.

It is important to think through possible scenarios and dilemmas that may be faced in advance and draw up protocols on how to proceed. We should ensure that the public interest in our journalism is not outweighed by public concern about any harm that may have been caused by our methods.

If the parameters of the investigation shift significantly during production, this should be confirmed and agreed with the Stiúrthóir Choimisiúnaithe. It may be necessary to go through some of the initial procedures again to ensure the refocused investigation still has the necessary prima facie evidence and public interest. When making use of evidence from whistleblowers or other anonymous sources, first take the appropriate steps to protect their anonymity. It is important to interrogate their motivation, particularly if in the case of whistleblowers they no longer work for the organisation or company concerned and their claims could be discredited by the manner of their dismissal. Whistleblowers should not normally receive any payment or other inducement for their involvement.

Throughout the editing process, it is important to ensure the finished programme reflects the evidence fairly and accurately, taking account the context in which secretly recorded incidents took place.

When the allegations to be made have been clarified, they should normally be put to the individual, organisation or company concerned in time for a response.

**Mandatory Obligation 8**

| Sensitive documents, recorded material and other information must be kept securely and any distribution of such material kept to the minimum. Confidentiality of records and information is an obligation that applies to all journalism. Local protocols will be put in place to ensure safety and security. |

Broadcasting legislation also imposes the obligation on all programme-makers not to broadcast anything “likely to promote or incite to crime”.

When investigating criminal activity we may, on rare occasions, want to record a specific crime. When that might raise questions about our relationship with the criminal or the crime, it must be referred to Ardstiúrthóir, and to the Rannóg Dlí. A decision will need to be made about informing the Gardaí.
Approval to be present at or record serious illegal activity will be given only if it is clearly in the public interest. Even then we must avoid:

- condoning, aiding or abetting criminal behaviour
- encouraging or provoking behaviour which would not otherwise have occurred
- directing the activity in any way.

Anyone admitting to or carrying out an illegal act could be prosecuted. Our research notes, diaries, emails and other paperwork as well as untransmitted rushes may be obtained by court order. This material may also have to be disclosed as evidence to a court, tribunal or inquest.

**Mandatory Obligation 9**

We do not normally pay individuals or their intermediaries to talk about their crimes. Any proposal to make such a payment must be referred to the Ardstíúrthóir and would only be approved if it justifiable in the public interest and unobtainable without such a payment.

Care should be taken to ensure that the identities of any confidential sources are protected and do not appear in any notes that might become the subject of a court order.
Section 11  Fairness

11.1.1 Broadcasting Act 2009 requirements on fairness

Section 39(1) of the Broadcasting Act 2009 requires objectivity and impartiality in news. In addition, there is a requirement for fairness in current affairs (defined as the broadcast treatment of matters which are either of public controversy or the subject of current public debate). This applies to current affairs content and not just current affairs programmes.

11.1.2 BAI Rules on fairness (BAI Code)

The following are the BAI Rules on fairness:

3 A broadcaster shall deal fairly with contributors to current affairs content or with persons or organisations referred to in that content.

4 In the normal course of events, interviewees for news and current affairs content shall be made generally aware of the subject matter and the nature and format of their contribution, so that their agreement to participate constitutes informed consent.

5 A broadcaster shall not generally broadcast any news or current affairs interview with any person without the consent of that person. The broadcast of any news or current affairs content in the absence of consent must be editorially justified. Requests for withdrawal of consent shall be given due consideration by the broadcaster, having regard to the public interest, natural justice and the principles of fairness, objectivity and impartiality.

6 Care shall always be taken with the inclusion of interviews with children or vulnerable people in news or current affairs content. In all cases, the overriding principle must be to avoid the broadcast of material that may be unfair or detrimental to their interest.

The consent of a parent, guardian or legal representative shall generally be obtained prior to the broadcast of any interview with a child less than 16 years of age or a vulnerable person, where the subject matter is of a sensitive or serious matter or where not to do so could be deemed unfair. A decision to broadcast an interview in the absence of such consent must be justified in the public interest.

7 Where a person or organisation refuses to contribute to news and current affairs content or chooses to make no comment, the broadcast shall make this fact clear and shall report in a reasonable manner the person/organisation’s explanation for declining to participate, where not to do so could be deemed unfair.

8 The refusal of a person or organisation to participate will not preclude the broadcast of news and current affairs content. However, the broadcaster has a responsibility to reflect, as far as practicable, the views of the absent party and to do so fairly.

9 The editing process shall not distort the context or meaning of the original interview.
10. A broadcaster shall ensure that the re-use of any material in a news and current affairs context, including the use of archive material, does not create unfairness or result in inaccuracies.

11. The re-construction or re-enactment of an event in news or current affairs content shall be clearly identified as such and should be authentic in its depiction of the event(s) in question.

12. The use of secret or undisclosed recording or filming in current affairs content shall only be used in exceptional circumstances. It must be warranted and a broadcaster shall have appropriate procedures in place for the authorisation of such recordings at the most senior editorial level. Such authorisation shall be in writing.

The following considerations are essential elements in determining if secret or undisclosed recording or filming is warranted:

- The item being covered is demonstrably in the public interest and the broadcaster has evidence of matter that merits coverage;
- The co-operation of the subject is unlikely to be forthcoming;
- There is reason to believe that coverage of the subject matter will be frustrated as the content cannot reasonably be obtained by other means.

13. Any person secretly filmed or recorded shall be afforded the opportunity to participate in the news and current affairs content that will include the recording if, in the opinion of the broadcaster, not affording the opportunity to participate would be unfair to that person.

14. By its nature, a direct unarranged approach (“door-stepping”) to an interviewee may contravene fairness. However, in appropriate circumstances it may be justifiable to dispense with the normal practice of making arrangements for an interview directly with an interviewee, or with a representative, and with suitable notice. “Door-stepping”, may be appropriate in circumstances where:

- The item being covered is demonstrably in the public interest;
- The interviewee is unlikely to co-operate if approached in the normal way, and;
- The approach to the individual(s) is necessary to the authenticity and credibility of the content in question.

15. Broadcasters shall have in place appropriate policies and procedures for handling contributions via social media.

16. Any undertaking given to a contributor relating to confidentiality or anonymity shall be clear and be honoured. Any associated audio-visual techniques utilised in both filming and editing shall be carefully applied to ensure complete confidentiality is achieved and commitments given are fully honoured.
11.1.3 BAI Principles on fairness

Broadcasters must comply with the BAI rules and principles. The BAI principles on fairness are set out below:

**Fairness:** The BAI is committed to ensuring that, through the implementation of this Code, individuals and organisations that are the subject of news and current affairs content, or persons who contribute to news and current affairs programmes or items, are treated fairly and honestly. Viewers and listeners have a legitimate expectation that a broadcaster will demonstrate an even-handed approach to how news and current affairs content is presented and interrogated and how contributors are treated. The principle of fairness does not necessarily require that all possible opinions on a subject are addressed or that they should receive equal air-time.

11.2 TG4’s standards on fairness

Fair and honest dealing is essential to maintaining trust with audiences and with those who participate in or are otherwise directly affected by our content. We must be open and straightforward in our dealings with contributors and audiences unless there is a clear public interest in doing otherwise, or we need to consider important issues such as legal matters, safety, or confidentiality. In addition to complying with the BAI rules and principles in relation to fairness TG4 will comply with the following standards:

- Participants in TG4 content should normally be informed of the general nature of their participation and give their consent to take part. The broadcast of any news or current affairs content in the absence of consent must be editorially justified. Requests for withdrawal of consent shall be given due consideration by TG4, having regard to the public interest, natural justice and the principles of fairness, objectivity and impartiality. A request for withdrawal does not have to be acceded to in every case. The BAI Guidelines indicate that in certain circumstances new facts or information may arise which will validate the request for withdrawal.
- We treat our contributors and potential contributors with respect. We do not threaten, humiliate, or behave aggressively or intrusively to contributors, either to obtain their consent or during their participation in our output.
- Changes to the focus or structure of the programme or item will be notified to the contributor where not to do so could be deemed unfair or partial.
- Their contribution will be edited in a way that does not distort either the context or the meaning of the original interview.
- Where allegations are made about a person or organisation, we make reasonable efforts in the circumstances to provide a fair opportunity to respond.
- We aim to attribute information to its source. Where a source seeks anonymity, do not agree without first interrogating the source’s motive and the possibility of identifying any alternative attributable sources.
• Assurances given in relation to conditions of participation and use of content, confidentiality or anonymity must be honoured except in rare cases where justified in the public interest. Any associated audio-visual techniques utilised in both filming and editing shall be carefully applied to ensure complete confidentiality is achieved and commitments given are fully honoured.

Where a person or organisation refuses to contribute or chooses to make no comment, the programme should make this clear to the audience and report the reason given in a reasonable manner where not to do so could be deemed unfair. The refusal of a person or organisation to participate should not prevent broadcast of the item. However, we must attempt to reflect fairly the views of the absent party both in what is said and how.

When we make allegations of wrongdoing, iniquity or incompetence or a strong and damaging critique of an individual or institution, the presumption is that those criticised should be given a reasonable opportunity to respond to the allegations.

We must ensure we have a record of any request for a response including dates, times, the name of the person approached and the key elements of the exchange. We should normally describe the allegations in sufficient detail to enable an informed response, and set a fair and appropriate deadline by which to respond.

Any parts of the response relevant to the allegations broadcast should be reflected fairly and accurately and should normally be broadcast in the same programme, or published at the same time, as the allegation.

TG4 will as far as is practical take steps to ensure fairness in the re-use of archive material.
Mandatory Obligation 10

Any proposal to rely on a single unnamed source making a serious allegation or to grant anonymity to a significant contributor must be referred to the Ardstiúrthóir.

The Ardstiúrthóir and the Rannóg Dlí will consider:
- whether the story is of significant public interest
- whether the source is of proven credibility and reliability and in a position to have sufficient knowledge of the events featured and whether, if this is a single source, there is any corroborative evidence
- any legal issues
- safety concerns, for example, for whistleblowers
- whether a response to serious allegations has been sought from the people or organisations concerned
- sensitive and personal issues
- whether the serious allegation was made or substantiated “off the record”.

In reporting the allegation, care must be taken to explain:
- the nature of the allegation
- that the allegation is clearly attributed to the anonymous source and not TG4.
- the degree to which it has been possible to verify the allegation.

Mandatory Obligation 11

The Ardstiúrthóir must approve in advance any proposal to broadcast or publish material obtained by subterfuge or not to honour an assurance given in relation to conditions of participation or use of content.

11.3 Live Programming and fairness

In live programming, such as phone-in shows, there may be particular difficulties in following the exact procedures and protocols set down in these guidelines. However, the same standards apply to such programmes. Programme-makers must do their utmost to ensure that fairness, objectivity and impartiality, as well as a respect for privacy, remain paramount.

In live programming dealing with rolling or breaking news issues every effort should be made to contact relevant potential contributors as early as possible. Be aware that the notice may be too short to enable contributors to be sufficiently informed or to have determined their responses. The audience may need to be informed that insufficient notice was given to interested parties where participation in a programme could be expected.
Section 12. Privacy

12.1 Broadcasting Act 2009 requirements

TG4’s approach to the public interest governs our approach to privacy. We are also required by Section 39 of the Broadcasting Act 2009 not “to encroach unreasonably on the privacy of an individual” in the making of programmes.

An individual’s legitimate expectation of privacy is related to location and the nature of the information and behaviour, and the extent to which information about an individual is already in the public domain.

People’s legitimate expectation of privacy in their own homes or other sensitive locations such as a hospital or medical centre are evidently greater than when they are in public or semi-public places. The reporting of, or the attempt to report, medical treatment or conditions (including psychiatric) can also encroach on privacy as can the reporting of suicide attempts.

Consideration also needs to be given where people can also reasonably expect privacy even in a public or semi-public space, particularly when the activity or information being revealed is inherently private or its broadcast or publication could be regarded as unnecessarily intrusive, for example, the aftermath of a car crash.

There may also be occasions when someone in a location not usually open to the public is engaged in an activity where they have a low expectation of privacy, for example a sales pitch or giving public information.

There is no simple rule which can be applied in all situations.

But there is clearly less of an expectation of privacy where an individual’s behaviour is criminal or seriously anti-social.

12.2 TG4 standards on privacy

- TG4 will not intrude into a person’s private life without consent unless it is justified in the public interest
- the extent of the intrusion must be limited to what is proportionate in the circumstances
- we must be able to explain why an infringement of privacy is justified from the outset, as well as what is broadcast or disseminated.

We do not normally reveal information which discloses the precise location of a person’s home or family without their consent, unless it is editorially justified.
We normally operate openly. When filming openly in public and semi-public places, we do not normally obtain express consent from individuals who are incidentally caught on camera as part of the general scene, unless they are engaged in an activity where they have a legitimate expectation of privacy that is not outweighed by a public interest in showing them. Where it might not be obvious that we are recording for broadcast, we seek to provide appropriate signs or other indications and whenever practicable seek the consent of those we record.

However, if an individual or organisation asks us to stop filming or recording (whether live or recorded) because of a concern about privacy, we should normally do so, unless it is editorially justified to continue.

Where people have been killed, injured or are missing, it is important that, as far as is reasonably practicable, families or next of kin do not find out from TG4 output. We normally await confirmation from the relevant authority that they have been informed.

The reporting of suicide, attempted suicide and self-harm requires sensitivity both in terms of those immediately involved and because it has the potential to make such actions appear possible, and even appropriate, to the vulnerable. The Samaritans provide advice on the reporting of suicide on their website (www.samaritans.org/media-centre/media-guidelines/reporting-suicide-tips-journalists)

12.3 Secret recording

The following techniques are considered to be secret recording:

- the use of hidden cameras or microphones
- the general use of audio-video equipment including long lenses, small video cameras, mobile phone cameras, webcams and radio microphones, when people are unaware they are being recorded for broadcast
- the deliberate use of audio-video equipment including long lenses, small video cameras, mobile phone cameras, webcams and radio microphones, either to conceal the equipment from targeted individuals or to give the impression of recording for purposes other than broadcasting, for example, a holiday video
- recording telephone calls for broadcast without indicating to the other participants on the telephone call that is being recorded.
- deliberately continuing a recording when the other party thinks that it has come to an end, or starting it before the other party thinks it has begun.

Normally, TG4 will use secret recording only for the following purposes:

- as an investigative tool where there is clear prima facie evidence of behaviour, or intention to carry out behaviour, that it is in the public interest to reveal, and the recording is necessary to prove the behaviour, and there is no viable, alternative means of gathering the evidence that proves the behaviour.
as a method of consumer, scientific or social research in the public interest, where no other methods could naturally capture the attitudes or behaviour in question.

**Secret recording** devices, misrepresentation or other types of subterfuge must not be used to obtain or seek information, audio, pictures or an agreement to participate except where justified in the public interest, and where the material cannot reasonably be obtained by any other means; or where consent is obtained from the subject; or identities are effectively obscured.

The BAI Code provides that the following considerations are essential elements in determining if secret or undisclosed recording or filming is warranted:

- The item being covered is demonstrably in the public interest and the broadcaster has evidence of matter that merits coverage;
- The co-operation of the subject is unlikely to be forthcoming;
- There is reason to believe that coverage of the subject matter will be frustrated as the content cannot reasonably be obtained by other means.

The BAI Code further provides that any person secretly filmed or recorded shall be afforded the opportunity to participate in the news and current affairs content that will include the recording if, in the opinion of the broadcaster, not affording the opportunity to participate would be unfair to that person.

**Mandatory Obligation 12**

<table>
<thead>
<tr>
<th>The use of secret or undisclosed recording or filming in current affairs content shall only be used in exceptional circumstances. There must be prima facie evidence of the behaviour to be revealed (or intention to carry out the behaviour) before secret recording is used as an investigative tool.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Ardstíúrthóir must assess any proposal to use secret recording in the production of content commissioned, produced or co-produced by TG4, including any safety or security concerns. A written record must be kept of the decision to approve or not approve the request to secretly record.</td>
</tr>
<tr>
<td>The Ardstíúrthóir must then give final approval to the use of such material in the programme before broadcast.</td>
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</tbody>
</table>
Section 13. Door-stepping for News, Current Affairs and Factual Programmes

13.1 Interpretation of door-stepping

Door-stepping involves recording, or attempting to record, an interview with someone for broadcast, or announcing that a phone call is being recorded for broadcast, when that person is not expecting to be interviewed for broadcast because we have not made a prior approach. It may involve a potential infringement of privacy and should normally be a last resort. It must not be used simply for dramatic effect.

Door-stepping can be in person or on the phone or intercom, etc. It can take place on public or private property.

Door-stepping does not include vox pops.

The obligations on door-stepping that follow are not intended to prevent the legitimate gathering of material within the regular news agenda, such as interviewing politicians as they leave meetings or by pre-arrangement.

13.2 Door-stepping with Prior Approach

Mandatory Obligation 13

Any proposal to door-step in a TG4 produced or commissioned programme, whether in person or on the phone, where we have unsuccessfully tried to make an appointment for an interview with the individual or organisation concerned must be approved in advance by the Stiúrthóir Coimisiúnaithe.

Approval will normally only be given when there is evidence of crime, significant wrongdoing or if the subject matter is of significant public interest and for at least one of the following reasons:

- the subject of a doorstep has failed to respond to requests for interview in connection with the wrongdoing alleged
- a request for an interview has been refused without good reason and substantial allegations of wrongdoing have been avoided
- there is a history of failure to respond to interview requests or refusal to be interviewed.

Door-stepping should be timely and proportionate to any wrongdoing. Consideration should be given to the safety of production staff and the risk of infringing the privacy of third parties who are not responsible for any wrongdoing, such as family members or junior employees.
13.3 Door-stepping without Prior Approach

**Mandatory Obligation 14**

In a TG4 produced or commissioned programme, any proposal to doorstep an individual or organisation, whether in person or on the phone, where we have not previously tried to make an appointment for an interview, must be approved in writing by the Stiúrthóir Coimisiúnaithe.

Approval will normally only be given if:

- there is clear evidence of significant wrongdoing, and
- it has not been possible to request an interview, or
- there is good reason to believe that an investigation will be frustrated or allegations avoided (for example, because those under investigation might go out of contact) if a prior approach is made.

Consideration must be given to both the timing and the consequences of such doorsteps. It must always be possible to assess and evaluate any new information or legal intervention prior to transmission.

The BAI Code states that “Door-stepping”, may be appropriate in circumstances where:

- The item being covered is demonstrably in the public interest;
- The interviewee is unlikely to co-operate if approached in the normal way, and;
- The approach to the individual(s) is necessary to the authenticity and credibility of the content in question.
Section 14. Reporting of Sieges, Kidnappings, Hijackings, Hostage-taking

We need to be particularly sensitive to the impact our reporting may have on situations such as sieges, kidnappings, hijackings or hostage taking. Our reporting may be accessed by people directly involved in these events and therefore may unintentionally play a part in the unfolding of events.

**Mandatory Obligation 15**

*We do not broadcast live interviews with known perpetrators and consent of the Ardstiúrthóir is required before using pre-recorded material made by or with perpetrators.*

Co-operation and communication between all programmes reporting and commenting on such events is essential to ensure consistency of approach and a strict adherence to whatever collective decisions have been taken as to the nature of TG4’s coverage.

**Mandatory Obligation 16**

*The News and Current Affairs Division has the primary responsibility on occasions such as these and all reporting no matter its source (broadcast or online) must be agreed by the Newsdesk.*

Normally we respect advice from the Garda about not revealing information which may either be of help to those involved in the events or which may interfere with the security forces handling of the events.

**Mandatory Obligation 17**

*When the Garda ask that information be withheld it is the responsibility of the TG4 journalist to inform his/her editorial line manager and any other colleagues reporting on the events. The information must be circulated throughout all relevant areas within TG4 as quickly as possible.*

However, we may on occasion consider the possibility of making public information which the Garda have requested be withheld. This should not happen without the approval of the Ardstiúrthóir.
Section 15. Children and vulnerable people

15.1 General Principles in dealing with children and vulnerable people

Children and vulnerable people are included in TG4’s News and Current Affairs programming rarely. However, when children or vulnerable people are included we consider carefully the impact of participation in the programme or news item on them (a child is normally someone under the age of 18). The BAI Code provides that the over-riding principle must be to avoid the broadcast of material that may be unfair or detrimental to their interest. Children are often eager to help programme-makers but may lack judgement about their own immediate or long-term interests. Vulnerable adults may also require the informed consent of a responsible person such as a professional carer or counsellor. A child’s own consent should always be sought about being interviewed and the consent of a responsible person (parent or guardian).

Interviewing children requires care. Children should not normally be questioned to elicit views of private family matters, or matters likely to be beyond their judgement, or matters more appropriate to adult discussion.

The content of the interview and the context should be explained clearly to the child in a language and terms they can understand. A child’s refusal to take part should always be accepted. A child’s ability to give consent depends on the stage of development and degree of understanding the child displays, as well as the child’s age.

15.2 Consent and children and vulnerable people

Consent must normally be obtained from both the child and a responsible person (parents, guardian and so on).

It is desirable to obtain the consent of both parents when interviewing children. In a situation where an interviewee’s parents are separated and consent cannot be obtained from both parents careful consideration must be given before proceeding. No financial inducements should be offered to parents or guardians to get them to give consent, although, the legitimate payment of expenses is acceptable.

Mandatory Obligation 18

Where parental consent has been refused, or cannot be obtained, the consent of the Ardstiúrthóir must be sought before taking any decision to go ahead.

Broadcast without consent can normally be justified only if the item is of sufficient public importance and the child’s appearance is absolutely necessary. The BAI Code provides that a decision to broadcast an interview without consent must be justified in the public interest.
We consult where appropriate with professionals and experts when dealing with children and vulnerable people and sensitive subjects and may put in place support systems to protect them before, during and after the programme process.

**Mandatory Obligation 19**

When we come across situations where we believe the welfare of a child is being endangered by others, the child’s interests and safety take priority. Programme-makers should, in consultation with the Ardstiúrthóir, consider how best to report what they have found to the relevant authority.

When recording or making programmes in schools the consent of the principal is required. It is expected that the school authorities will inform the parents of the children that a programme or report is being made and that parental approval has been sought and obtained but this should be verified by the programme team.

15.3 Reporting on children and illegal or anti-social activity

The more serious or controversial the subject matter, the more caution is required. When factual programmes or news reports feature children involved in illegal or antisocial activity, identification may raise difficult legal or ethical issues. There may be a public interest in identifying the children, but the longer-term interests of the child may argue for anonymity. Parental consent may not be a sufficient reason to identify a child, if the child’s long-term future would be better served by anonymity.

Programme-makers should refer such matters to the Ardstiúrthóir.

When recording anti-social or criminal practices carried out by children with the intention of highlighting the practice rather than individuals, the general rule is that individual children will not be identified.

**Mandatory Obligation 20**

As an absolute rule, TG4 must not publish in any programme or news bulletin, the name, address, school attended, picture, or other information which may lead to the identification of any child or young person (under 18 years) attending court in a criminal case whether that child is accused of a crime, is a witness in the case, is the victim of the crime, or is involved in a family law related case, except where any judge may have requested the media to do so.
Section 16. Accountability

16.1.1 General accountability

As a publicly funded, public service broadcaster, TG4 is accountable for what we do, and how we do it including the ways in which we spend our revenue. When called upon, we must be ready to explain and justify our editorial decisions and priorities. TG4 is committed to responding meaningfully to all complaints we receive about programme standards and other aspects of our output. All programme-makers are obliged to participate in this process.

16.1.2 BAI Principle on Transparency & Accountability

The BAI Code states that the principles of transparency and accountability are concerned with ensuring that practices and procedures adopted by broadcasters in sourcing, compiling, producing and presenting news and current affairs are visible, open to scrutiny, robust and accessible. This is particularly the case where a decision to broadcast may impact on an individual’s privacy.

16.2 Handling Complaints

TG4 operates under and in accordance with the BAI Codes in place to deal with complaints. TG4 has in place its own Code of Practice on Handling Complaints, based on the recommended BAI template.

All programme-makers are obliged to take complaints seriously and to report any complaints received immediately to the Leascheannasaí who deals with all TG4 complaints.

All significant complaints made about TG4 news and current affairs output are to be referred by production teams to the Leascheannasaí and the Rannóg Dlí before any response is issued.

The Leascheannasaí will identify any complaint which needs to be brought to the Meitheal’s attention. In the event that a complaint needs to be assessed by the Meitheal, the production team shall ensure that all relevant information is provided directly to the Meitheal to enable it to properly and fully assess the complaint.

In the event that the Meitheal’s assessment is that the complaint should not be defended by TG4, this decision and the rationale why will be outlined to the Stiúrthóir Coimisiúnaithe.

16.3 The broadcast of Corrections, Clarifications and Apologies

No matter how carefully prepared programmes are, there will always be occasions when it will be necessary to return to a subject to clarify or correct what was
broadcast. Responding quickly and on our own initiative to correct significant mistakes is usually preferable to subsequently having to deal with a complaint. If a minor mistake is identified to TG4, the programme will not refer to the mistake on air. However every effort must be made to avoid repeating the mistake.

If the mistake is more significant and the view is taken that the public record needs amending, the programme or service responsible for the broadcast or publication of the inaccurate information will clarify matters as soon as is feasible.

If the clarification is sought by a third party and there is the possibility that the issue might compromise TG4’s reputation any proposed clarification must be scripted and cleared with the Ardstiúrthóir in advance of broadcast.

**Mandatory Obligation 21**

**Clarifications:** If there is the possibility of any legal issues arising either from the original broadcast or the clarification, programme-makers must in the first instance consult the Stiúrthóir Coimisiúnaithe. Legal advice must be sought before any agreement to broadcast. If it is decided to broadcast a clarification it must be scripted in advance and approved by the Ardstiúrthóir. If the matter is sufficiently serious, the clarification should be recorded and not broadcast live.

**Mandatory Obligation 22**

**Apologies:** If the original broadcast requires a formal apology, the statement and the broadcast must be approved by the Ardstiúrthóir, legal advice must be sought and the apology must be recorded in advance of broadcast, normally by the Presentation Department. The broadcast needs to take account of the tone and manner of the voice of the person reading the clarification or apology.

16.4 **Accountability to the BAI**

TG4 is also publicly accountable to the BAI and is required to observe its Code on Fairness, Objectivity and Impartiality in News and Current Affairs and the BAI Guidance on the Code on Fairness, Objectivity and Impartiality in News and Current Affairs (which are reflected in these Journalism Guidelines) and honour its Right of Reply scheme. We cooperate openly and honestly with the BAI and abide by its determinations.
Section 17. Legal Liabilities and the Relationship with the Rannóg Dlí

The law has an increasing impact on the dissemination of all forms of content. In particular news, current affairs and factual type programmes run the inherent risk of claims in the civil courts for compensation and other remedies such as correction orders. There is also the risk of criminal liability which may arise in any contempt of court or breach of specific statutory reporting restrictions which may attach to a case and affecting its reporting.

Failure to take account of and deal with these inherent risks are potentially very damaging, exposing TG4 and/or the individual programme-makers to both civil and criminality liability.

Mandatory Obligation 23

Editors, journalists and factual programme makers must seek the advice of the Rannóg Choimisiúnaithe at the earliest moment where legal problems are encountered or suspected.

The Rannóg Dlí is available to give advice to and assist TG4 when problems or questions first present themselves. Context is everything. The more accurate and detailed the information the better. This will enhance the ability of the Rannóg Dlí to provide useful advice towards publication or broadcast.

Independent Production Companies must alert the Eagarthóir Coimisiúnaithe when legal issues are encountered.

Mandatory Obligation 23A

All current affairs or contentious programming must be reviewed and approved by the independent production company’s legal advisers during the course of production and before the rough cuts and offlines of the programme are delivered to TG4.

TG4 may require independent production companies to have e&o insurance on a case by case basis.
Mandatory Obligation 24

Any communications from lawyers acting on behalf of contributors or the subjects of a programme must be passed to the Rannóg Dlí and the Ardstiúrthóir for consideration and advice. Any written communication from the legal representatives of any person or body proposed to be featured in a programme must be dealt with by the Rannóg Dlí (in consultation with the relevant Eagarthóir Choimisiúnaithe).

The Rannóg Dlí needs adequate time to consider a programme in its rough cut form. Programmes must be flagged at the earliest possible opportunity as requiring legal advice and a first rough-cut and a draft (corresponding) script (and as much information as possible) must be supplied to the Rannóg Dlí at the earliest possible opportunity.

Mandatory Obligation 25

Any proposal to proceed with a programme or report despite legal advice of a significant or serious risk requires the consent of the Ardstiúrthóir. The Rannóg Dlí shall make a written risk assessment to the Ardstiúrthóir on request.

There may also be occasions where providing accurate, impartial and fair coverage in the public interest raises issues of potential conflict with the law. Where such cases arise we must consider:

- the law’s impact
- what effect breaking the law might have on TG4
- what the effect might be on the people concerned

Mandatory Obligation 26

Any proposal which may involve a potential breach of the law in the public interest must be referred to the Ardstiúrthóir, who should consult with the Rannóg Dlí.

A general overview is given to the TG4 staff on a regular basis on Protection of Reputation / Defamation Law, Contempt of Court, Statutory Restrictions relevant to Reporting and Privacy Law.
Appendix 1.

TG4 and Political Coverage

TG4’s Role pursuant to the Broadcasting Act 2009
TG4, a broadcaster operating under statute with public funds, is the major provider of space for public debate and is therefore expected to be different from other media. On our airwaves and platforms, the listening, viewing and reading public should be able to see and hear all sides of the debate. They should be able to regard TG4 and the presenters of its programmes to be neutral on issues of public controversy as required by section 39 of the Broadcasting Act 2009.

In its programming, TG4 must reflect the main trends of thought and the major currents of opinion, but without over-simplifying complex issues or arbitrarily excluding relevant minority viewpoints. These minority viewpoints will often be critical viewpoints and TG4 recognises that those who hold such positions stand counter to the main trends of thought and the major current of opinion. It means that programme-makers accept an obligation to present fairly the weight of the evidence, and to report and interpret events in a manner that respects the context as well as the highlights of news and current affairs.

TG4 News and Current Affairs must be a key purveyor of impartial information to the Irish people. Whatever licence may exist for opinion and expression of personal views in general programming, there is a strict obligation within news and current affairs to observe due impartiality.

Our standards on impartiality
- Gather and present news and information with due impartiality.
- Present a diversity of perspectives so that, over time, no significant strand of thought or belief is either knowingly excluded or disproportionately under or over represented.
- Do not state or imply that any perspective is the editorial opinion of TG4. TG4 takes no editorial stance other than its commitment to fundamental democratic principles including the rule of law, freedom of expression and religion, parliamentary democracy and equality of opportunity.
- Do not misrepresent any perspective.
- Do not unduly favour one perspective over another.

Our approach to the coverage of elections and referenda
Much of modern electioneering and campaigning takes place on the airwaves and TG4 plays a role in these processes. Fairness and impartiality, as well as providing opportunities for political debate, are essential parts of TG4’s role at election time. The performance of presenters and reporters comes under intense scrutiny. TG4 must be, and be seen to be, completely impartial in its handling of political debate.

The monitoring of output is an important part of TG4’s procedures at election and referendum times. TG4 puts in place for all General Elections, European Elections, Presidential Elections and Referenda a Steering Group. This group is chaired by the Ardstiúrthóir and coordinates TG4’s coverage of the campaign and ensures that TG4’s overall coverage is fair to all parties.
Balance and fairness have to be maintained both within individual programme strands and across all output. A formal monitoring of output is put in place in the run up to elections to provide accurate information about election coverage on all TG4 channels and to ensure that balance is achieved.

In the run-up to elections the appearance of politicians and candidates in non-News and Current Affairs programming may need to be restricted. **Programme-makers must seek advice from editorial management and the Steering Group in advance of making commitments to politicians and candidates.**

All programme-makers are obliged to achieve balanced coverage within their own programmes (either within individual programmes or within related programmes). Where unanticipated events occur which lead to balance not being achieved (e.g. a candidate not turning up for an interview or a link going down) the Steering Group must be informed at the earliest possible moment.

**Opinion Polls and surveys**

When we report the results of any research, especially when information is being summarised, the audience must be able to trust that the journalism behind what they see and hear is robust, the research is reliable and meaningful and the language used is both consistent and truthful. This accuracy, clarity and credibility is as important when we report on “polls” and “surveys” as it is in the rest of our journalism.

When we commission “polls” or “surveys” ourselves, we must take even more care to ensure we have made good judgements about their relative importance and the audience can trust what we are saying. We should also take care to ensure that a poll we commission is not used to suggest a TG4 view on a particular policy or issue or to imply an intervention in a current controversy.

When reporting the findings of opinion polls (especially voting intention polls):

- We should not lead a news bulletin or programme simply with the results of an opinion poll
- We should not headline the results of an opinion poll unless it has prompted a story which itself deserves a headline and reference to the poll’s findings is necessary to make sense of it.
- We should normally report the findings of opinion polls in the context of trend and must always do so when reporting voting intention polls. The trend may consist of the results of all major polls over a period or may be limited to the change in a single pollster’s findings. Poll results which defy trends without convincing explanation should be treated with particular care
- We should not use language which gives greater credibility to the polls than they deserve. For example, we can say polls “suggest” and “indicate”, but never “prove” or “show”
- We should not normally rely on the interpretation given to a poll’s results by the organisation or publication which carried it out or commissioned it
- We should report the organisation which carried out the poll and the organisation or publication which commissioned it, as well as the questions, results and sample size. This information too should always be shown in television and online graphics
• We should normally report the dates of the fieldwork, and include them in television and online graphics, and draw attention to events which may have had a significant effect on public opinion since it was done
• We should normally report whether the poll was carried out face to face, by telephone or over the internet
• We should report the expected margin of error in voting intention polls if the gap between the contenders is within the margin. Television and online graphics should always show the margin of error.

Political activities of TG4 staff
Certain categories of core TG4 staff are not permitted to participate in political activities. This constraint is not imposed to limit individual’s freedom to vote, but rather to guarantee to the viewing public that TG4 is impartial and objective. There is clearly a balance to be maintained between individual rights and collective responsibility. The restricted categories who may not participate in political activity include:

• The Ardstiúrthóir and other members of the Coiste Bainistíochta.
• In Nuacht TG4 and TG4 current affairs, all journalistic staff, both those who appear before the public and those involved in the production of news.

The definition of political activity includes activity which does not involve a public dimension (for example, working as a backroom person in a political party). Minor non-party political activity such as participation in residents’ groups, environment lobby groups, etc. is permissible. But caution should be exercised not to compromise TG4 in any way.

Core TG4 staff and key personnel in independent production companies engaged in commissions for TG4 must notify the Ardstiúrthóir if they have any intention of standing as candidates in European Parliament, Dáil Éireann, Seanad Éireann or local elections.

It is incompatible with TG4’s statutory obligations of impartiality to allow people standing as candidates to work for TG4 in a position of editorial responsibility, in-house or on commissions. Those wishing to stand as candidates have to seek leave of absence from their positions. If they wish to return to work after the elections, TG4 cannot guarantee that they will be able to return to their previous positions. People who work in restricted categories who wish to return to TG4 after unsuccessfully contesting elections can expect a moratorium before they can return to their previous activities. Restricted categories apply to all broadcasters irrespective of contractual status. Programme-makers working for independent companies on TG4 commissioned programmes may need to be restricted also. Decisions will be taken on a case-by-case basis.

Core staff of TG4 who work in non-restricted categories must exercise their discretion in their political activity in order to avoid any conflicts with TG4’s statutory obligations. It is a condition of service that no individual should do anything which would bring TG4 into disrepute.
Appendix 2

Guidance on reporting from the Internet and Social Media sources

**App. 1.1** General guidance on reporting from the Internet and Social Media sources

Great care should be taken when using online sources and material emanating from social media sites or streams. As always, be wary of reporting anything second hand and look out for the possible hidden agenda. Corroborate wherever possible and check the identity of any contributor you intend to use.

Where a site is running a story of potential public interest, seek to verify before running the story and attribute clearly so that our audiences can assess the information and its source. Remember too that websites do not necessarily produce content which meets the requirement of the law on defamation, contempt or intellectual property.

**App. 1.2** Hoaxes and Spoofs

Many websites and social media streams contain bogus information such as spoof news reports. Some campaign and activist sites mimic the domain name and design of an official source for reasons of satire or misinformation.

You must take care to perform thorough provenance checks before using material from a website or a social media stream using, for example, “about us” sections or “WHOIS”.

**App. 1.3** Biased Sources

As with any medium, hidden commercial or political agendas can shape a Web site’s content. You should check the links to and from a site as these can often reveal political or commercial affiliations.

**App. 1.4** Out of Date Information

Even trustworthy sources can contain pages that have not been updated in years. Contextual information can provide an idea of the date it was authored, but always use recognised sources to corroborate any information found.

**App. 1.5** Social Media Sites

Individuals post material, including pictures, audio and video, which may reveal information about themselves, generally for the benefit of friends and acquaintances. A balance needs to be struck between appropriate use of material that an individual may have unthinkingly put in the public domain and fairness to that individual and respect for their privacy even if they have become part of a news story. Any proposal to use material featuring an individual taken from a social media site in TG4 programming should normally be referred to relevant Eagarthóir Coimisiúnaithe.
SCHEDULE

BAI Code of Fairness, Objectivity & Impartiality in News and Current Affairs

April 2013
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Introduction

This Code deals with matters of fairness, objectivity and impartiality in news and current affairs content. It is prepared by the Broadcasting Authority of Ireland (BAI) in accordance with sections 42(1), 42(2)(a) and 42(2)(b) & (e) of the Broadcasting Act 2009 (‘the Act’).

Section 42 of the Act provides that:

(1) The Authority shall prepare, and from time to time as occasion requires, revise, in accordance with this section, a code or codes governing standards and practice (‘broadcasting code’) to be observed by broadcasters.

(2) Broadcasting codes shall provide –

(a) that all news broadcast by a broadcaster is reported and presented in an objective and impartial manner and without any expression of the broadcaster’s own views,

(b) that the broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster’s own views,

(e) that a broadcaster does not, in the allocation of time for transmitting party political broadcasts, give an unfair preference to any political party.

In developing the Code of Fairness, Objectivity and Impartiality in News and Current Affairs the BAI had regard to a range of matters set out in section 42(3) of the Act. It also had regard to its own statutory objectives, set out in section 25, in particular that, in performing its functions the BAI shall:

- Endeavour to ensure that the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, are upheld,

- Provide a regulatory environment that will sustain independent and impartial journalism,

- Seek to ensure that any measures it takes are proportionate and will produce regulatory arrangements that are stable and predictable.
In devising the rules, the BAI has also taken into account the European Convention on Human Rights and in particular the provisions relating to freedom of expression, the right to privacy and the securing of rights without any discrimination on any ground.¹

**Jurisdiction**

The Code applies to broadcasters within the jurisdiction of Ireland. It does not apply to other services commonly received in this State, but licensed in the United Kingdom or other jurisdictions.

The term ‘broadcaster’ is understood in the context of the definition provided in the Broadcasting Act 2009, which is as follows:

“*Broadcaster means a person who supplies a compilation of programme material for the purpose of its being transmitted, relayed or distributed as a broadcasting service (whether that person transmits, relays or distributes that material as such a service or not).*”

**Guidance Notes**

It is not intended that this Code will set out each and every rule in relation to the preparation, treatment and broadcast of news and current affairs content. In this regard, broadcasters, programme makers and citizens should have regard to the Guidance Notes which have been developed in conjunction with this Code. These notes are provided as an aid to understanding the intent of the principles and rules and the manner of their application in a broadcast context. The BAI will update the Guidance Notes from time to time.

**Complaints**

If a viewer or listener has a complaint or is dissatisfied with the manner in which a broadcaster is complying with this Code, the matter should, in the first instance, be referred directly to the relevant broadcaster. Further information on the complaints process is available on [www.bai.ie](http://www.bai.ie) or by phoning 01 6441200.

The effective date of this Code is 1st July 2013.

¹To access a copy of the ECHR click here or go to [www.ehcr.coe.int](http://www.ehcr.coe.int)
1. **Code Objectives**

The objectives of the Code are:

- To set out clearly the minimum standards and practices that are expected of broadcasters in their treatment and broadcast of news and current affairs content;
- To provide general guidance to broadcasters to assist in their decision-making processes, as they pertain to news and current affairs content;
- To promote independent and impartial journalism in the provision of news and current affairs content;
- To inform and generate awareness among citizens with regard to standards they may expect in relation to news and current affairs content;
- To protect the interests of citizens, in their right to access fair, objective and impartial, news and current affairs content.

2. **Principles Underpinning the Fairness, Objectivity and Impartiality Rules**

This section outlines the principles which underpin this Code. In addition to the specific rules outlined in Section 4, the principles provide direction as to the general standards expected in order to achieve fairness, objectivity and impartiality in the treatment of news and current affairs content. Thus, a broadcaster is expected not only to comply with the rules, but also to apply these general principles to its news and current affairs content.

The principles which shall be applied in this Code, together with a brief narrative, are set out below:

**Fairness:** The BAI is committed to ensuring that, through the implementation of this Code, individuals and organisations that are the subject of news and current affairs content, or persons who contribute to news and current affairs programmes or items, are treated fairly and honestly. Viewers and listeners have a legitimate expectation that a broadcaster will demonstrate an even-handed approach to how news and current affairs content is presented and interrogated and how contributors are treated. The principle of fairness does not necessarily require that all possible opinions on a subject are addressed or that they should receive equal air-time.

The approach to covering issues, including those of public controversy or current public debate, should be guided by ensuring equitable, proportionate coverage.
**Objectivity & Impartiality:** The principles of objectivity and impartiality are concerned with ensuring that news and current affairs content is compiled, produced and presented in a manner which is and can be seen as independent, unbiased, and without prejudice. The rules set out in this Code with regard to objectivity and impartiality should not be taken to imply that a presenter or a reporter cannot convey critical views or pursue vigorous lines of questioning. Indeed, this is often required in order to achieve fairness, objectivity and impartiality. What is necessary, however, is that production, reporting and questioning on any news or current affairs item is credible, trustworthy and editorially independent.

**Accuracy & Responsiveness:** Audiences are entitled to, and do, trust that the news and current affairs content they access from the broadcast media is accurate. Accurate information enables citizens to participate more fully in a democratic society. Accuracy is therefore a fundamental principle associated with the broadcast of news and current affairs content and should always take priority over the speed with which content can be delivered. It is also acknowledged that despite best efforts, inaccurate information can sometimes be conveyed, whether explicitly or implicitly. The principle of responsiveness is designed to ensure that broadcasters adopt fair, timely and appropriate remedies in handling the broadcast of inaccurate information.

**Transparency & Accountability:** the principles of transparency and accountability are concerned with ensuring that practices and procedures adopted by broadcasters in sourcing, compiling, producing and presenting news and current affairs are visible, open to scrutiny, robust and accessible. This is particularly the case where a decision to broadcast may impact on an individual’s privacy.
### 3. Compliance & Assessment

- In the treatment of news and current affairs content, broadcasters shall comply with the principles and rules specified in this Code. Broadcasters should be mindful of all the provisions of this Code as programme material may be required to comply with one or more applicable provision.

- News and current affairs content shall be assessed in whole and in context and with reference to:-
  
  - The provisions of the Broadcasting Act 2009 (as amended);
  - The principles of the Code;
  - The rules of the Code;
  - Contextual factors including, but not limited to, the type of programme concerned and audience expectations;
  - The procedures, practices and policies of the BAI.

- Broadcasters shall comply with the spirit as well as the letter of the Code.
4. **Rules**

The following rules shall apply to the treatment of all news and/or current affairs content.

**Fairness, Objectivity and Impartiality - Statutory Duties of Broadcasters**

1. In their treatment of news and current affairs content broadcasters shall comply with section 39 (1) (a) & (b), section 39 (2) and section 39 (5) & (6) of the Broadcasting Act 2009.

39.—

(1) Every broadcaster shall ensure that—

(a) all news broadcast by the broadcaster is reported and presented in an objective and impartial manner and without any expression of the broadcaster’s own views,

(b) the broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of his or her own views, except that should it prove impracticable in relation to a single broadcast to apply this paragraph, two or more related broadcasts may be considered as a whole, if the broadcasts are transmitted within a reasonable period of each other,

(2) Nothing in subsection (1)(a) or (b) prevents a broadcaster from transmitting party political broadcasts provided that a broadcaster does not, in the allocation of time for such broadcasts, give an unfair preference to any political party.

(5) A broadcaster shall ensure that the broadcast treatment of any proposal, being a proposal concerning policy as regards broadcasting, which is of public controversy or the subject of current public debate, which is being considered by the Government or the Minister, shall be reported and presented in an objective and impartial manner.

(6) Paragraphs (a) and (b) of subsection (1), in so far as they require the broadcaster not to express his or her own views, do not apply to any broadcast made under subsection (5).

2. In their treatment of news and current affairs content broadcasters shall comply with the following principles as articulated in this Code:
• Fairness;
• Objectivity & Impartiality;
• Accuracy & Responsiveness;
• Transparency & Accountability.

**Fairness Rules**

3. A broadcaster shall deal fairly with contributors to current affairs content or with persons or organisations referred to in that content.

4. In the normal course of events, interviewees for news and current affairs content shall be made generally aware of the subject matter and the nature and format of their contribution, so that their agreement to participate constitutes informed consent.

5. A broadcaster shall not generally broadcast any news or current affairs interview with any person without the consent of that person. The broadcast of any news or current affairs content in the absence of consent must be editorially justified. Requests for withdrawal of consent shall be given due consideration by the broadcaster, having regard to the public interest, natural justice and the principles of fairness, objectivity and impartiality.

6. Care shall always be taken with the inclusion of interviews with children or vulnerable people in news or current affairs content. In all cases, the overriding principle must be to avoid the broadcast of material that may be unfair or detrimental to their interest.

The consent of a parent, guardian or legal representative shall generally be obtained prior to the broadcast of any interview with a child less than 16 years of age or a vulnerable person, where the subject matter is of a sensitive or serious matter or where not to do so could be deemed unfair. A decision to broadcast an interview in the absence of such consent must be justified in the public interest.
7. Where a person or organisation refuses to contribute to news and current affairs content or chooses to make no comment, the broadcast shall make this fact clear and shall report in a reasonable manner the person/organisation’s explanation for declining to participate, where not to do so could be deemed unfair.

8. The refusal of a person or organisation to participate will not preclude the broadcast of news and current affairs content. However, the broadcaster has a responsibility to reflect, as far as practicable, the views of the absent party and to do so fairly.

9. The editing process shall not distort the context or meaning of the original interview.

10. A broadcaster shall ensure that the re-use of any material in a news and current affairs context, including the use of archive material, does not create unfairness or result in inaccuracies.

11. The re-construction or re-enactment of an event in news or current affairs content shall be clearly identified as such and should be authentic in its depiction of the event(s) in question.

12. The use of secret or undisclosed recording or filming in current affairs content shall only be used in exceptional circumstances. It must be warranted and a broadcaster shall have appropriate procedures in place for the authorisation of such recordings at the most senior editorial level. Such authorisation shall be in writing.

The following considerations are essential elements in determining if secret or undisclosed recording or filming is warranted:

- The item being covered is demonstrably in the public interest and the broadcaster has evidence of matter that merits coverage;
- The co-operation of the subject is unlikely to be forthcoming;
- There is reason to believe that coverage of the subject matter will be frustrated as the content cannot reasonably be obtained by other means.

13. Any person secretly filmed or recorded shall be afforded the opportunity to participate in the news and current affairs content that will include the recording if, in the opinion of the broadcaster, not affording the opportunity to participate would be unfair to that person.

14. By its nature, a direct unarranged approach (“door-stepping”) to an interviewee may contravene fairness. However, in appropriate circumstances it may be justifiable to dispense with the normal practice of making arrangements for an interview directly with an interviewee, or with a
representative, and with suitable notice. “Door-stepping”, may be appropriate in circumstances where:

- The item being covered is demonstrably in the public interest;
- The interviewee is unlikely to co-operate if approached in the normal way, and;
- The approach to the individual(s) is necessary to the authenticity and credibility of the content in question.

15. Broadcasters shall have in place appropriate policies and procedures for handling contributions via social media.

16. Any undertaking given to a contributor relating to confidentiality or anonymity shall be clear and be honoured. Any associated audio-visual techniques utilised in both filming and editing shall be carefully applied to ensure complete confidentiality is achieved and commitments given are fully honoured.

Objectivity & Impartiality Rules

17. News and current affairs content shall be presented with due accuracy, having regard to the circumstances and the facts known at the time of preparing and broadcasting the content.

18. Two, or more, related broadcasts may be considered as a whole if the broadcasts are transmitted within a reasonable time period and such links are made clear to the audience.

19. Views and facts shall not be misrepresented or presented in such a way as to render them misleading. Presenters should be sensitive to the impact of their language and tone in reporting news and current affairs so as to avoid misunderstanding of the matters covered.

20. A significant mistake shall be acknowledged and rectified as speedily as possible, in an appropriate and proportionate manner. A broadcast correction or clarification shall have regard to the time and circumstances of the original broadcast.

21. A news presenter and/or a reporter in a news programme may not express his or her own view on matters that are either of public controversy or the subject of current public debate.

22. It is an important part of the role of a presenter of a current affairs programme to ensure that the audience has access to a wide variety of views on the subject of the programme or item; to facilitate the expression of contributors’ opinions – sometimes by forceful questioning; and to reflect the
views of those who cannot, or choose not to, participate in content. This being so, a presenter and/or a reporter on a current affairs programme shall not express his or her own views on matters that are either of public controversy or the subject of current public debate such that a partisan position is advocated.

23. ‘Personal view’ or ‘authored’ current affairs segments or programmes can be appropriate, subject to normal editorial controls. This does not exempt the segment or programme – or a series of related segments/programmes – from the statutory obligations to be impartial, objective and fair to all interests concerned. Similarly, an “authored” item or programme may be permitted if part of a series of related segments/programmes which, taken together, will discharge the statutory obligations.

24. A ‘personal view’ or ‘authored’ programme or segment shall be clearly signalled to the audience at the outset, or in the case of a series of segments or programmes, at the start of each one.

25. Each broadcaster shall have and implement appropriate policies and procedures to address any conflicts of interests that may exist or arise in respect of anyone with an editorial involvement in any news or current affairs content, whether such person works on-air or off-air.

26. Any personal, professional, business or financial interest of anyone with an editorial involvement in news or current affairs content that calls into question (or that might reasonably be perceived as calling into question) the fairness, objectivity or impartiality of a programme or item, shall be brought to the attention of the audience. To this end broadcasters shall satisfy themselves that they are in a position to be aware of the relevant interests of the personnel concerned, and to determine whether the interest concerned is of such extent as would warrant the withdrawal of any person from further involvement in the item or programme.
Election & Referendum Coverage

27. Coverage of an election or a referendum shall comply with guidelines and codes of practice issued from time to time by the BAI.

Legal Requirements and Guidance

28. Broadcasters and programme makers shall adhere to all legislative requirements when sourcing, compiling, producing and presenting news and current affairs content.

29. Broadcasters shall have due regard to guidance issued in respect of this Code.
BAI Code of Fairness, Objectivity & Impartiality
in News and Current Affairs

Guidance Notes
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Foreword

The purpose of this document is to provide guidance on the BAI Code of Fairness, Objectivity and Impartiality in News and Current Affairs for both broadcasters and the public. The document should not be regarded as a complete or authoritative statement of law. These guidance notes are non-binding and are provided to assist broadcasters and the general public to interpret and apply the Code. The BAI accepts no responsibility or liability in respect of any guidance that may be given and reserves the right to revise and review any guidance provided. Broadcasters must make their own independent assessment after taking their own advice and making inquiries/research as appropriate. This document does not purport to explain all the relevant provisions of the Code or give an exhaustive list of possible applications.

The document is structured to include the relevant provisions of the Code, followed by Guidance in respect of each section. The Guidance has been developed in response to feedback on the various provisions contained within the Code.

The BAI is aware that, as the Code is implemented by broadcasters, understanding of the various provisions will evolve. Consequently, the Guidance Notes associated with the Code will be added to from time to time as the need becomes apparent.

Except where definitions are provided, the terms used in the Code should be interpreted in accordance with their natural and ordinary common meaning and/or their meaning in a broadcasting context.

The implementation date for the BAI Code of Fairness, Objectivity and Impartiality is 1 July 2013. The Code will be the subject of a statutory review of its effectiveness four years after the date of its implementation.

Comments on the guidance notes may be emailed to codes@bai.ie or forwarded by post to:

BAI Code of Fairness, Objectivity and Impartiality-Guidance Notes,
Broadcasting Authority of Ireland,
2-5 Warrington Place, Dublin 2.
Introduction

This Code deals with matters of fairness, objectivity and impartiality in news and current affairs content. It is prepared by the Broadcasting Authority of Ireland (BAI) in accordance with sections 42(1), 42(2)(a) and 42(2)(b) & (e) of the Broadcasting Act 2009 (‘the Act’).

Section 42 of the Act provides that:

(3) The Authority shall prepare, and from time to time as occasion requires, revise, in accordance with this section, a code or codes governing standards and practice (“broadcasting code”) to be observed by broadcasters.

(4) Broadcasting codes shall provide –

(c) that all news broadcast by a broadcaster is reported and presented in an objective and impartial manner and without any expression of the broadcaster’s own views,

(d) that the broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of the broadcaster’s own views,

(f) that a broadcaster does not, in the allocation of time for transmitting party political broadcasts, give an unfair preference to any political party.

In developing the Code of Fairness, Objectivity and Impartiality in News and Current Affairs the BAI had regard to a range of matters set out in section 42(3) of the Act. It also had regard to its own statutory objectives, set out in section 25, in particular that, in performing its functions the BAI shall:

- Endeavour to ensure that the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, are upheld,

- Provide a regulatory environment that will sustain independent and impartial journalism,

- Seek to ensure that any measures it takes are proportionate and will produce regulatory arrangements that are stable and predictable.
In devising the rules, the BAI has also taken into account the European Convention on Human Rights and in particular the provisions relating to freedom of expression, the right to privacy and the securing of rights without any discrimination on any ground.²

**Guidance Note**
This section of the Code outlines details of the various parts of the Broadcasting Act 2009 which refer to matters of fairness, objectivity and impartiality in the broadcast treatment of news and current affairs content.

While matters of privacy are of relevance to the treatment of news and current affairs, there is separate legislation covering privacy. Individuals who believe that news and current affairs content has encroached unreasonably on their privacy should make reference to the 2009 Act when making a complaint to a broadcaster or the BAI.

Similarly, matters of harm and offence, taste and decency are covered by the 2009 Act and complainants should refer to the BAI Code Of Programme Standards if they believe news and current affairs content has caused harm or offence or is in poor taste or indecent.

Further information on making complaints about privacy, offence, harm, taste and decency is available on the complaints section of the BAI website.

**Jurisdiction**

The Code applies to broadcasters within the jurisdiction of Ireland. It does not apply to other services commonly received in this State, but licensed in the United Kingdom or other jurisdictions.

The term ‘broadcaster’ is understood in the context of the definition provided in the Broadcasting Act 2009, which is as follows:

“Broadcaster means a person who supplies a compilation of programme material for the purpose of its being transmitted, relayed or distributed as a broadcasting service (whether that person transmits, relays or distributes that material as such a service or not).”

**Guidance Note**

All broadcasters licensed in the Republic of Ireland and/or those who make use of a frequency or satellite capacity or up-link situated in the Republic of Ireland are required to comply with the Code. In practical terms, the Code shall apply to all radio and television services, including TG4 radio and television services, TG4 and national, regional, local, community radio and television services licensed further to the provisions of the Broadcasting Act 2009, including temporary and institutional services (where appropriate).

²To access a copy of the ECHR click here or go to www.ehcr.coe.int
Programmes broadcast on services licensed in the United Kingdom or in other jurisdictions are not required to comply with this Code e.g. BBC, Sky, ITV, Channel 4. This is because of the ‘country of origin’ principle within the AVMS Directive, which is the key piece of European legislation governing television broadcasting services throughout Europe. This principle means that television stations must obey the rules laid down in the country in which they are licensed, in other words the country in which they ‘originate’.

For the avoidance of doubt, the term ‘broadcaster’ as used in section 39 of the Broadcasting Act does not refer to individual presenters or programme staff but rather to the company, co-operative etc., that owns and operates the broadcast service. This should not be taken to mean that individual presenters or programme staff are exempt from the obligations of this Code. In this regard, the bulk of the rules relate to editorial decisions that are the responsibility not only of the owners of broadcast services but also their staff. Broadcasters should also note that the rules also apply to freelance staff and steps should be taken to familiarise such staff with the requirements of the Code and manage compliance by such staff.

Broadcasters should note that they are editorially responsible for all content carried and accordingly the requirements of this code apply to content commissioned and acquired by broadcasters.

The Rules and principles do not apply to website content or to other content that is not linked to content that has been broadcast. Notwithstanding this, the BAI may have regard, where appropriate, to such content should it provide information or context for the investigation of a complaint or in the context of a statutory investigation.

Guidance Notes

It is not intended that this Code will set out each and every rule in relation to the preparation, treatment and broadcast of news and current affairs content. In this regard, broadcasters, programme makers and citizens should have regard to the Guidance Notes which have been developed in conjunction with this Code. These notes are provided as an aid to understanding the intent of the principles and rules and the manner of their application in a broadcast context. The BAI will update the Guidance Notes from time to time.

Guidance Note

The BAI does not provide a clearance service for programme material. While the BAI is happy to provide general advice on the Code, it will only provide more specific advice in relation to atypical programme material which is submitted in the following manner:-

1. Requests for advice must be submitted in writing.

2. The submission should clearly state the section/s of the Code about which advice is being sought, together with details of the issue to which the relevant section of the Code pertains.

3. The BAI will view the request received and will endeavour to provide an initial response to the query as soon as possible. However, broadcasters should note
that this could take up to two working days or longer if the query is especially complex.

4. The BAI response will set out in writing the BAI’s view in relation to the submission.

5. Any view expressed by the BAI in relation to the advice being sought by the broadcaster is without prejudice to any subsequent complaint which may be taken by a member of the public and which may be referred to the Compliance Committee for adjudication and decision.

6. Queries can be sent by post or emailed to: codes@bai.ie.

Complaints

If a viewer or listener has a complaint or is dissatisfied with the manner in which a broadcaster is complying with this Code, the matter should, in the first instance, be referred directly to the relevant broadcaster. Further information on the complaints process is available on www.bai.ie or by phoning 01 6441200.

The effective date of this Code is 1st July 2013.

Guidance Note

The BAI website contains a section which details the complaints process and also provides supporting information in relation to how to a member of the public can make a complaint on a range of matters, including a complaint relating to fairness, objectivity and impartiality in news and current affairs content. Complaints will be assessed on the basis of the broadcast material and written submissions from the broadcaster and the complainant(s). The decisions of the BAI on complaints that have been considered are published regularly.

The BAI Guide for Listeners and Viewers in relation to the Complaints Process sets out detailed information in relation to the matters that can be complained of under legislation. The BAI also offers support, through its Executive staff, for those members of the public who require assistance and additional information in relation to making a complaint. The BAI is currently in the process of reviewing its complaints procedures and, once complete, any related material will be updated on-line.

1. Code Objectives

The objectives of the Code are:
To set out clearly the minimum standards and practices that are expected of broadcasters in their treatment and broadcast of news and current affairs content;

To provide general guidance to broadcasters to assist in their decision-making processes, as they pertain to news and current affairs content;

To promote independent and impartial journalism in the provision of news and current affairs content;

To inform and generate awareness among citizens with regard to standards they may expect in relation to news and current affairs content;

To protect the interests of citizens, in their right to access fair, objective and impartial, news and current affairs content.

Guidance Note
In developing a set of objectives for this Code, the BAI had regard to the relationship between the regulator, the broadcaster and the citizen. Therefore the objectives of the Code are informed by: the BAI’s role in facilitating independent and impartial journalism; ensuring that there is clarity as to the minimum standards that a broadcaster should achieve in how they treat and broadcast news and current affairs content and well as providing broadcasters with guidance where necessary.

The objectives of the Code are also concerned with the citizen and in particular through ensuring that their right to fair, objective and impartial news and current affairs content is protected, while at the same time providing them with the necessary information to consider whether standards in relation to news and current affairs content are being met by broadcasters.

2. Principles Underpinning the Fairness, Objectivity and Impartiality Rules

This section outlines the principles which underpin this Code. In addition to the specific rules outlined in Section 4, the principles provide direction as to the general standards expected in order to achieve fairness, objectivity and impartiality in the treatment of news and current affairs content. Thus, a broadcaster is expected not only to comply with the rules, but also to apply these general principles to its news and current affairs content.

The principles which shall be applied in this Code, together with a brief narrative, are set out below:

**Fairness:** The BAI is committed to ensuring that, through the implementation of this Code, individuals and organisations that are the subject of news and current affairs content, or persons who contribute to news and current affairs programmes or items, are treated fairly and honestly. Viewers and listeners have a legitimate expectation that a broadcaster will demonstrate an even-handed approach to how news and current affairs content is presented and interrogated and how contributors are treated. The principle of fairness does
not necessarily require that all possible opinions on a subject are addressed or that they should receive equal air-time.

The approach to covering issues, including those of public controversy or current public debate, should be guided by ensuring equitable, proportionate coverage.

**Objectivity & Impartiality:** The principles of objectivity and impartiality are concerned with ensuring that news and current affairs content is compiled, produced and presented in a manner which is and can be seen as independent, unbiased, and without prejudgement. The rules set out in this Code with regard to objectivity and impartiality should not be taken to imply that a presenter or a reporter cannot convey critical views or pursue vigorous lines of questioning. Indeed, this is often required in order to achieve fairness, objectivity and impartiality. What is necessary, however, is that production, reporting and questioning on any news or current affairs item is credible, trustworthy and editorially independent.

**Accuracy & Responsiveness:** Audiences are entitled to, and do, trust that the news and current affairs content they access from the broadcast media is accurate. Accurate information enables citizens to participate more fully in a democratic society. Accuracy is therefore a fundamental principle associated with the broadcast of news and current affairs content and should always take priority over the speed with which content can be delivered. It is also acknowledged that despite best efforts, inaccurate information can sometimes be conveyed, whether explicitly or implicitly. The principle of responsiveness is designed to ensure that broadcasters adopt fair, timely and appropriate remedies in handling the broadcast of inaccurate information.

**Transparency & Accountability:** the principles of transparency and accountability are concerned with ensuring that practices and procedures adopted by broadcasters in sourcing, compiling, producing and presenting news and current affairs are visible, open to scrutiny, robust and accessible. This is particularly the case where a decision to broadcast may impact on an individual’s privacy.

**Guidance Note**

The BAI was conscious that, in developing a Code of this nature, a set of principles underpinning the rules contained in the Code would be important, since no set of rules could address every eventuality. It is therefore intended that broadcasters would comply with both the rules and the principles set out in the Code.

The Guidance which has been developed in respect of the principles attempts to address the questions, views and uncertainty expressed in the consultation process to develop the Code, a workshop held with broadcasters, as well as drawing on research and experience from other jurisdictions. A number of general considerations are outlined, in addition to the provision of guidance in respect of the principles contained in the Code.
Each broadcaster has the editorial freedom to make choices in relation to what issues
to cover in a news and current affairs context. The BAI cannot nor should it make
decisions or have a role in requiring broadcasters to cover a news and current affairs
issue. The Code is not intended to govern perceptions of ‘bias’ on the basis of topics
and/or subject areas that a broadcaster has chosen not to cover. In the context of
this Code, a decision not to cover a particular event or news story is not de facto
evidence of a lack of fairness, objectivity and impartiality on the part of a
broadcaster. In implementing the Code, the BAI will consider the news and/or current
affairs content contained in the broadcast that is the subject of the complaint and
make a determination on that basis and having taken into account written
submissions by the complainant and the broadcaster.

It is not always the case that the omission of a viewpoint/perspective in relation to a
particular issue will automatically result in unfairness and indeed, there is no
requirement to cover every aspect of an item in order to achieve fairness.

The principle of fairness refers to ensuring that the approach to covering issues, particularly those of
public controversy or current public debate should be equitable and proportionate. From an
implementation perspective what is important is that the broadcaster can demonstrate or outline the
approach that it took to ensuring that its coverage was equitable or proportionate. It is important to
note that the individual nature of the content in question will inevitably influence what might be seen
as equitable or proportionate. Furthermore, emphasis is placed here on matters of public controversy
or of current public debate.

While the principles and rules apply to all news and current affairs content, matters of public
controversy or of current public debate can often be those where there is a heightened awareness of
or interest in the issues at play. It is in these instances where broadcasters can have a significant
impact and where additional care is called for.

Appropriate implementation of a fairness principle should not be taken to mean that
an ‘artificial balance’ is required in order to comply with the Code, nor should it be
taken to imply that equal allocation air-time is always necessary to achieve fairness.
Conversely, demonstration of an equal allocation of air-time to different views on a
particular subject may not satisfactorily discharge a broadcaster’s obligations in
respect of fairness. It will be necessary for a broadcaster to consider the range of
ways in which fairness is achieved and to ensure that active consideration is given to
ensuring its achievement whether through the selection of contributors, the time
allocated to a news and current affairs issue, the scope of the debate, the structure of
the programme or the role of the presenter.

The nature of current affairs coverage is such that the presenter plays a critical role in
challenging the views of guests and contributors, in the public interest. Rigorous
and/or challenging questioning in the context of an interview does not necessarily
constitute unfairness.
The principle of accuracy implies that material broadcast, particularly where it relates to matters of public controversy or current public debate, should be supported by evidence, which may need to be corroborated from a variety of sources, dependent on the nature of the content. There is a significant responsibility placed on broadcasters in ensuring that sources or information are valid. There is also an acknowledgement that, despite best efforts, broadcasters can get facts wrong. The principle of responsiveness requires that corrections are made speedily and, as a general principle, the correction should be proportionate to the prominence given to the original broadcast.

The principle of transparency and accountability requires that the practices and procedures adopted by broadcasters are visible, open to scrutiny, robust and accessible. This principle should not be taken to imply that broadcasters are required to divulge sources of information for the content broadcast. Rather the principle is focussed on ensuring that the broadcaster can demonstrate the decision-making process associated with the production of content. This would be particularly important in instances where the approach to programme making involves techniques such as surreptitious recording or door-stepping.

Guidance on General Considerations in relation to the Principles

Definitions: In developing this Code, the BAI has not provided definitions in relation to terms such as news, current affairs, public interest, editorial justification and so forth. The experience of regulation has underlined the importance of being able to apply the various statutory codes in a flexible manner in order to best respond to the subject matter under consideration. Therefore, there will be terms which are easily understood by broadcaster and citizen alike, whereas in other instances a series of questions will need to be posed in order to reach a decision in relation to compliance or a complaint. In a Code, such as this one, it will often be the process adopted or the manner in which the broadcaster handled the issue that will indicate whether the correct course of action was taken, or whether the approach adopted is in breach of the Code’s provisions.

Notwithstanding this, and so as to provide some guidance as to the indicative characteristics of news and current affairs content, the following should be noted:

- **News programming includes** news bulletins (including extended bulletins) providing factual information on national, international, regional, local and community events.

- **Current affairs programming includes** explanation and analysis of current events and issues, including matters which are either of public controversy or the subject of current public debate.

News and current affairs content often overlap within one programme and broadcasters should be mindful of this when considering how to ensure compliance with this Code.
**Current affairs programmes vs. Current affairs content:** Whereas news, by its nature is readily understood as being the broadcast of facts relating to events that have occurred, there can occasionally be less certainty as to what constitutes current affairs. Some programmes will be readily identifiable as current affairs, either through the manner in which they are promoted by the broadcaster or in the nature of the items that the programme covers. There will be occasions where light entertainment programmes, magazine-style programmes or programmes that are predominantly music-driven may contain current affairs content. It is important to note that, in the context of a complaint, the approach of the BAI will be to focus on the content referred to in the complaint and to determine whether it falls to be considered under the Code.

In the process of developing the Code of Fairness, Objectivity and Impartiality, the question arose as to whether it remained appropriate to place requirements on broadcasters of the nature set out in the Broadcasting Act 2009, particularly in the context of the proliferation of news and current affairs outlets and content sources where the same requirements for fairness, objectivity and impartiality are not in place. There are a number of issues which merit consideration here. Firstly, there is a legal requirement for the BAI to develop a Code of Fairness, Objectivity and Impartiality. Secondly, there is also a high volume of listenerhip and viewership to Irish radio and television, and in particular to the news and current affairs output of these services. Irish citizens place a high level of trust in these sources of news and current affairs. Therefore the BAI was strongly of the view that a Code of this nature should serve to strengthen and not diminish the quality of content available in this area of broadcasting.

As the Code applies to news and current affairs content, the requirements apply to more than just news and current affairs programming as discussed. Accordingly, broadcasters are encouraged to ensure that all staff involved with the production and presentation of programmes that may contain news and current affairs content would familiarise themselves with the Code. The BAI also encourages feedback on the experience of implementing this Code so that Guidance can be revised and updated, as appropriate.

### 3. Compliance & Assessment

- In the treatment of news and current affairs content, broadcasters shall comply with the principles and rules specified in this Code. Broadcasters should be mindful of all the provisions of this Code as programme material may be required to comply with one or more applicable provision.

- News and current affairs content shall be assessed in whole and in context and with reference to:-

  - The provisions of the Broadcasting Act 2009 (as amended);
The principles of the Code;

The rules of the Code;

Contextual factors including, but not limited to, the type of programme concerned and audience expectations;

The procedures, practices and policies of the BAI.

- Broadcasters shall comply with the spirit as well as the letter of the Code.

**Guidance Note**

In assessing news and current affairs content for compliance with the provisions of the Code, it is important to note that regard will be had firstly to the rules relating to the content concerned, followed by a consideration of the relevant principle. Contextual factors will also be important and these can vary according to: the nature of the content; the programme and channel type; the likely audience expectation in relation to the content; and the extent to which the content and the approach to it is signalled to the audience.
4. **Rules**

The following rules shall apply to the treatment of all news and/or current affairs content.

**Fairness, Objectivity and Impartiality - Statutory Duties of Broadcasters**

25. In their treatment of news and current affairs content broadcasters shall comply with section 39 (1) (a) & (b), section 39 (2) and section 39 (5) & (6) of the Broadcasting Act 2009.

39.—

(1) Every broadcaster shall ensure that—

(a) all news broadcast by the broadcaster is reported and presented in an objective and impartial manner and without any expression of the broadcaster’s own views,

(b) the broadcast treatment of current affairs, including matters which are either of public controversy or the subject of current public debate, is fair to all interests concerned and that the broadcast matter is presented in an objective and impartial manner and without any expression of his or her own views, except that should it prove impracticable in relation to a single broadcast to apply this paragraph, two or more related broadcasts may be considered as a whole, if the broadcasts are transmitted within a reasonable period of each other,

(3) Nothing in subsection (1)(a) or (b) prevents a broadcaster from transmitting party political broadcasts provided that a broadcaster does not, in the allocation of time for such broadcasts, give an unfair preference to any political party.

(5) A broadcaster shall ensure that the broadcast treatment of any proposal, being a proposal concerning policy as regards broadcasting, which is of public controversy or the subject of current public debate, which is being considered by the Government or the Minister, shall be reported and presented in an objective and impartial manner.

(6) Paragraphs (a) and (b) of subsection (1), in so far as they require the broadcaster not to express his or her own views, do not apply to any broadcast made under subsection (5).
26. In their treatment of news and current affairs content broadcasters shall comply with the following principles as articulated in this Code:

- Fairness;
- Objectivity & Impartiality;
- Accuracy & Responsiveness;
- Transparency & Accountability.

**Fairness Rules**

27. A broadcaster shall deal fairly with contributors to current affairs content or with persons or organisations referred to in that content.

28. In the normal course of events, interviewees for news and current affairs content shall be made generally aware of the subject matter and the nature and format of their contribution, so that their agreement to participate constitutes informed consent.

29. A broadcaster shall not generally broadcast any news or current affairs interview with any person without the consent of that person. The broadcast of any news or current affairs content in the absence of consent must be editorially justified. Requests for withdrawal of consent shall be given due consideration by the broadcaster, having regard to the public interest, natural justice and the principles of fairness, objectivity and impartiality.

**Guidance Notes**

The requirement for interviewees to be made ‘generally aware’ of the subject and format of an interview should not be taken to mean that the detail of the questions to be asked as part of the interview should be provided. Rather, this rule should be taken to mean that enough information should be provided so as to facilitate an ability to prepare for the interview. It is important to note that the nature of the programme and the nature of the contribution will impact on the level and type of consent required. Examples of consent might include knowing who the other contributors to the item are; what the nature of the contribution is, i.e. whether live or pre-recorded, edited or unedited.

The rules in relation to consent are not intended to preclude presenters from asking supplemental questions of interviewees. In many circumstances, the nature of an interviewee’s position whether in public life, by virtue of their profession, or the subject on which they agreed to be interviewed will often appropriately lend itself to supplementary or related questions.

Occasionally, a broadcaster may receive a request for withdrawal of consent on the part of an interviewee prior to broadcast. In certain circumstances new facts or
information may arise which will validate the request for withdrawal, or where the harm caused by broadcasting the item might be greater than the public interest. The rule relating to withdrawal of consent should not be taken to imply that a request for withdrawal of consent should be acceded to in every case. Rather, the broadcaster should be able to demonstrate, in the context of a complaint, the range of factors that it took into account where a request to withdraw consent was refused. In the interests of clarity, a request for withdrawal of consent refers to interviews given prior to the broadcast of a programme and not to the re-use of such interviews. Issues may arise with the re-use of an interview and this is dealt with under the rules covering archive material (Rule 10).

More generally, broadcasters should note that consent cannot reasonably be taken to endure for all time. Therefore, broadcasters should consider the extent to which the consent given for an interview can continue to be relied upon over time and in different programming contexts. In most cases, this may not be a problem. But where it might become a problem (for example, in the case of the use of archive material) then the issue of consent should be given further consideration so as to ensure continued fairness, objectivity and impartiality.

For the avoidance of doubt, a contributor to a programme is one who is actively involved in the content and not an individual whose appearance is incidental or coincidental e.g. A person(s) that appears in the camera shot but who is not participating in the programme.

The BAI has considered and rejected complaints that have been made solely on the basis that it was the view of the complainant that the people included on a discussion panel was evidence of a lack of fairness, impartiality and objectivity. A broadcaster has editorial independence and is perfectly entitled to explore an issue with a panel of its own choosing. In considering whether the people included on a discussion panel is a factor in whether a complaint should be upheld, regard will be given to the programme content in its entirety, including the contributions by the presenter, listeners and viewers or reports included in the programme, amongst other factors.

As indicated, the 2009 Act prohibits a broadcasting organisation from expressing its own views on news and current affairs content, including matters of public controversy and debate. However, the Act does permit a broadcasting organisation to give its own views on a policy concerning broadcasting and which is a matter of public controversy and being considered by the Government or the Minister for Communications. However, the treatment of any such policy issue must be objective and impartial and a broadcaster cannot use its service to pursue a preferred outcome in respect of a particular broadcasting policy.

Further guidance on party political broadcasts will be provided in guidelines issued in advance of elections and referenda. Compliance with any such guidance is required further to Rule 27 of this Code. Broadcasters should note that no payment or similar consideration is permitted for the airing of such broadcasts, including charges for the use of studios.

30. Care shall always be taken with the inclusion of interviews with children or vulnerable people in news or current affairs content. In all cases, the over-
riding principle must be to avoid the broadcast of material that may be unfair or detrimental to their interest.

The consent of a parent, guardian or legal representative shall generally be obtained prior to the broadcast of any interview with a child less than 16 years of age or a vulnerable person, where the subject matter is of a sensitive or serious matter or where not to do so could be deemed unfair. A decision to broadcast an interview in the absence of such consent must be justified in the public interest.

31. Where a person or organisation refuses to contribute to news and current affairs content or chooses to make no comment, the broadcast shall make this fact clear and shall report in a reasonable manner the person/organisation’s explanation for declining to participate, where not to do so could be deemed unfair.

32. The refusal of a person or organisation to participate will not preclude the broadcast of news and current affairs content. However, the broadcaster has a responsibility to reflect, as far as practicable, the views of the absent party and to do so fairly.

33. The editing process shall not distort the context or meaning of the original interview.

Guidance Notes
The involvement of children in news or current affairs content should, as a general principle, be approached cautiously. Of paramount importance is the well-being, welfare and dignity of the child, irrespective of their eagerness to participate in the content and/or the consent given by a parent or guardian. It is recognised that the nature of the subject matter will impact on the issue of consent, so for example while a report on exam results from a school might generally require the consent of the school principal, a report on youth suicide or anti-social behaviour will require much more careful consideration.

Where subject matter is of a sensitive or serious nature, for example, reporting on illegal activity or anti-social behaviour among young people, the issue of identification of the individuals involved must be carefully considered. Notwithstanding the provision of consent, the longer-term impact of the broadcast on the individual and their future must be balanced against public interest concerns.

The use of the phrase ‘vulnerable people’ in the Code is intended to address those individuals whose circumstances or well-being requires that extra care is taken with regard to issues of consent.

Irish and European legislation defines a child as being a person under the age of eighteen. The Code deals primarily with issues of consent relating to those
under the age of sixteen, in recognition of both maturity of young people, particularly those aged sixteen and over and of the wide variety of circumstances where a child might be interviewed ranging from less serious to more serious content. The guiding principle is that the more serious or controversial the subject matter, the more caution required in relation to consent of a young or vulnerable person.

A decision of a guest not to participate in a programme does not automatically preclude a broadcaster from coverage of an item with which the absent guest is associated. However, there is an onus on the broadcaster to provide the context for non-participation of a guest where not to do so could be deemed unfair.

In those instances where a guest refuses to contribute or states that there is ‘no comment’ on a matter, there is no requirement on the broadcaster to read out, in full, statements from the guest or any organisation that they represent. However, the broadcaster has a responsibility to reflect, as far as practicable, the views of the absent party and to do so fairly. In this regard, the content of a statement will often set out the views of the absent party.

The decision not to participate in a discussion on the part of a guest should not be taken to imply a deliberate attempt on the part of the guest, or an organisation that they represent, to avoid being interviewed. There are often valid reasons for non-participation in a news and current affairs item. Nonetheless, there is still a requirement for the broadcaster to achieve the principles of fairness, objectivity and impartiality in relation to content, so there will be an expectation that the presenter will ensure that discussion on a news and current affairs issue is not one-sided and that alternative perspectives are presented, including the views of those not in attendance insofar as appropriate and practical.

A decision not to participate is likely to impact on how the views of the absent party are presented and those who chose not to participate in a programme are advised to take this into account when considering how their views or the position of their organisation is handled in a news and current affairs item. A decision not to participate does not remove the obligation to be fair to all parties referenced in a news and current affairs item and care is required on the part of broadcaster. The approach taken to coverage of an item where
one of the parties involved has declined to participate will depend on the issues under discussion.

The production of news and current affairs content often necessitates editing in order to more effectively communicate key points of information and/or to remove commentary which is not relevant to the subject matter under discussion. The Code recognises the legitimacy of this practice but underlines the importance of ensuring that the editing process and the manner in which content is packaged does not result in a distortion of the contributor’s views. It is also important to be aware that some contributors may not be familiar with the programme production process and that in some instances it may be useful to outline how the editing process works in the context of obtaining consent for their contribution to a programme. The rule should not be taken to imply that all unedited material should be retained by the broadcaster, or that an unedited copy of the recording should be provided to a contributor. In the event of a complaint or compliance issue, assessment will be on the basis of the material available and the arguments made by the complainant and the broadcaster.

34. A broadcaster shall ensure that the re-use of any material in a news and current affairs context, including the use of archive material, does not create unfairness or result in inaccuracies.

Guidance Notes
In the re-use of material in a current affairs context, particularly in the case of archive footage, broadcasters should be mindful that the passage of time may have resulted in significantly changed circumstances for the person/s who are the subject of the footage. Therefore, steps should be taken to ensure fairness in the re-use of material insofar as it is practical. This may include a decision not to include certain archived footage. For example, due to the passage of time the circumstances of an individual may have changed so dramatically that the re-use of archive material may be problematic. Therefore, broadcasters have an obligation to consider whether, in such circumstances, any re-broadcast might, of its essence, be unfair and, therefore, impermissible.
35. The re-construction or re-enactment of an event in news or current affairs content shall be clearly identified as such and should be authentic in its depiction of the event(s) in question.

**Guidance Notes**
*Some types of current affairs programmes will broadcast re-enactments or reconstructions in order to, for example recall events or to enlist the assistance of the public. The Code calls for clear signalling of such reconstructions or re-enactments in order to minimise the potential for confusion amongst the audience. It also recognises that complete accuracy would not be possible, but rather the reconstruction or re-enactment should strive to be as authentic and faithful as possible to the circumstances of what occurred.*

36. The use of secret or undisclosed recording or filming in current affairs content shall only be used in exceptional circumstances. It must be warranted and a broadcaster shall have appropriate procedures in place for the authorisation of such recordings at the most senior editorial level. Such authorisation shall be in writing.

The following considerations are essential elements in determining if secret or undisclosed recording or filming is warranted:

- The item being covered is demonstrably in the public interest and the broadcaster has evidence of matter that merits coverage;
- The co-operation of the subject is unlikely to be forthcoming;
- There is reason to believe that coverage of the subject matter will be frustrated as the content cannot reasonably be obtained by other means.

37. Any person secretly filmed or recorded shall be afforded the opportunity to participate in the news and current affairs content that will include the recording if, in the opinion of the broadcaster, not affording the opportunity to participate would be unfair to that person.

38. By its nature, a direct unarranged approach (“door-stepping”) to an interviewee may contravene fairness. However, in appropriate circumstances it may be justifiable to dispense with the normal practice of making arrangements for an interview directly with an interviewee, or with a representative, and with suitable notice. “Door-stepping”, may be appropriate in circumstances where:

- The item being covered is demonstrably in the public interest;
• The interviewee is unlikely to co-operate if approached in the normal way, and;

• The approach to the individual(s) is necessary to the authenticity and credibility of the content in question.

Guidance Notes
The practices of both surreptitious filming/recording and door-stepping involve a degree of infringement on the right to privacy of an individual. For this reason broadcasters need to ensure that the use of surreptitious filming/recording or door-stepping is warranted and clearly in the public interest.

Individuals who are in the public eye, or who are under investigation, their family and their friends, retain the right to privacy, notwithstanding the fact that their private behaviour can raise legitimate issues of public interest.

As a general rule, the greater the degree of intrusion into the privacy of an individual, the greater the level of justification required for use of the technique.

If consent for an interview cannot be obtained from an individual/organisation, then the infringement on privacy must be warranted. Where secret filming is used, the subject of the filming should be offered the right to respond in advance of the broadcast.

The use of secret filming should be clearly based on evidence available to the broadcaster and the use of secret or undisclosed recording as a ‘fishing expedition’ is not permitted i.e. where it is undertaken, where no prima facie evidence exists, with a view to uncovering by accident incriminating or newsworthy information.

It would be important that practices and procedures in respect of door-stepping and surreptitious recording are developed and implemented by broadcasters and that, in the event of complaint, contemporaneous records are available to outline the course of action which was taken in each case.

Door-stepping, in the context of the rules, should not be taken to mean vox pops, nor are they intended to prevent legitimate questioning at certain
events, e.g. the interviewing of politicians after meetings or asking representatives for a comment after talks, or the A.G.M. of a meeting etc.
39. Broadcasters shall have in place appropriate policies and procedures for handling contributions via social media.

**Guidance Note**

This code pertains to the use of social media in a broadcasting context. The requirement to have in place policies, procedures and the use of social media in current affairs, as set out in this Code, relates to the manner in which social media is used on-air. Notwithstanding this, the BAI may have regard, where appropriate, to a broadcaster’s social media output, on- and off-air, should it provide information or context for the investigation of a complaint or in the context of a statutory investigation.

Media consumption has changed significantly over the past number of years and as a consequence, there has been a proliferation of sources of information, not least through social media platforms such as Twitter. Two of the principles underpinning the rules contained in this Code are accuracy and responsiveness. Accuracy in respect of news and current affairs is of paramount importance in sustaining the high levels of trust that Irish audiences currently have in Irish broadcast media.

Accuracy is often not just about getting the facts right. Where there are matters of public controversy or matters of current public debate, a variety of views and opinions often need to be considered, in addition to the stated facts. Often, in the case of social media it is important to be aware that online sources of information are not subject to the same degree of regulation and from a news and current affairs perspective, there is no statutory requirement for fairness, impartiality and objectivity.

Therefore, in utilising online sources for the production of news and current affairs broadcast content, whether in the compilation of a programme or in the broadcast of contributions, there is a particular onus on the broadcaster to ensure accuracy and to adhere to the principles outlined in the Code. In this regard, the BAI has set out a number of points that broadcasters may find useful when considering the use of social media:

- **Reliability of the social media source**: Is the information first hand? Is it authentic? Has it been cross-checked against other possible sources? Is any further consent required before the information is broadcast (for e.g. information relating to a child?)

- **Veracity of information**: what steps have been taken to verify the information? Is there any possibility that the information is a ‘wind-up’ or hoax? Is the information current?
• **Potential for bias**: is the information emanating from a lobby or representative group? Are there any political/religious/commercial affiliations?

• **Respect for privacy**: although information may have been posted to a social media or on-line site, will the privacy of an individual or their family be unreasonably encroached upon as a consequence of broadcasting the information? Is the broadcast of the information in the public interest?

40. Any undertaking given to a contributor relating to confidentiality or anonymity shall be clear and be honoured. Any associated audio-visual techniques utilised in both filming and editing shall be carefully applied to ensure complete confidentiality is achieved and commitments given are fully honoured.

**Guidance Note**

There will be instances and circumstances where news and current affairs content can only be broadcast on the basis of retaining the confidentiality of a source or of protecting the identity or a contributor through the use of various audio-visual techniques such as image pixilation, voice distortion or the use of a ‘voice-over’ by another person. Where a commitment is given to retain confidentiality or anonymity, a broadcaster should clearly agree the extent of the anonymity that will be provided with the contributor/source.

Where the identity of an individual is obscured on-screen, broadcasters should ensure that attention is also given to other possible identifiers of an individual, for example their home/locality, their car, descriptions of the circumstances surrounding their contribution etc.

In the course of programme compilation, care should also be taken with regard to records relating to a confidential/anonymous source

**Objectivity & Impartiality Rules**

41. News and current affairs content shall be presented with due accuracy, having regard to the circumstances and the facts known at the time of preparing and broadcasting the content.

42. Two, or more, related broadcasts may be considered as a whole if the broadcasts are transmitted within a reasonable time period and such links are made clear to the audience.

43. Views and facts shall not be misrepresented or presented in such a way as to render them misleading. Presenters should be sensitive to the impact of their language and tone in reporting news and current affairs so as to avoid misunderstanding of the matters covered.
A significant mistake shall be acknowledged and rectified as speedily as possible, in an appropriate and proportionate manner. A broadcast correction or clarification shall have regard to the time and circumstances of the original broadcast.

**Guidance Note**
The rules in relation to news and current affairs content refer to presentation with ‘due accuracy’. The use of the word ‘due’ is important in that it recognises that the accuracy required is adequate and appropriate, having regard to the circumstances known at the time of broadcast. The rule also recognises that stories will evolve and are not static and they will therefore require updating and revision over the course of a broadcast or a news cycle.

The Broadcasting Act 2009, in addressing the duties of broadcasters provides that, in order to achieve fairness, objectivity and impartiality two, or more related broadcasts may be considered as a whole if the broadcasts are transmitted within a reasonable period of each other.

The Act does not stipulate what constitutes a reasonable period and neither does the Code or the guidance seek to establish hard and fast rules in respect of timeframes. To do so would unnecessarily restrict the editorial freedom of broadcasters; would not appropriately recognise the sometimes evolving nature of news and current affairs broadcasting and; would not acknowledge the nature of a broadcast schedule where programmes are broadcast daily, weekly or indeed seasonally. However, the key principle that should guide the broadcaster’s decision in respect of linked broadcasts is audience knowledge. Broadcasters should use appropriate mechanisms to notify audiences whether the subject covered is as part of a series or whether alternative views will be covered in another programme. The BAI will not generally consider a broadcast to be linked if such a link is made ‘retrospectively’ following receipt of a complaint.

The rules require that presenters should be sensitive to their use of language and tone when presenting news and current affairs content. Broadcasters should broadly be mindful of the impact of language in its ability to sensationalise or conversely underplay a story. In respect of tone, while there is a clear acknowledgement that the presentation of news and current affairs can often involve robust and heated exchanges, nevertheless the requirements in respect of tone relate to the respect and dignity of an
individual, which should be afforded to them regardless of their viewpoint or public standing.

45. A news presenter and/or a reporter in a news programme may not express his or her own view on matters that are either of public controversy or the subject of current public debate.

46. It is an important part of the role of a presenter of a current affairs programme to ensure that the audience has access to a wide variety of views on the subject of the programme or item; to facilitate the expression of contributors’ opinions – sometimes by forceful questioning; and to reflect the views of those who cannot, or choose not to, participate in content. This being so, a presenter and/or a reporter on a current affairs programme shall not express his or her own views on matters that are either of public controversy or the subject of current public debate such that a partisan position is advocated.

47. ‘Personal view’ or ‘authored’ current affairs segments or programmes can be appropriate, subject to normal editorial controls. This does not exempt the segment or programme – or a series of related segments/programmes – from the statutory obligations to be impartial, objective and fair to all interests concerned. Similarly, an “authored” item or programme may be permitted if part of a series of related segments/programmes which, taken together, will discharge the statutory obligations.

48. A ‘personal view’ or ‘authored’ programme or segment shall be clearly signalled to the audience at the outset, or in the case of a series of segments or programmes, at the start of each one.

**Guidance Notes**

**Presenters of news and current affairs programmes play a critical role in ensuring objective and impartial coverage of items, particularly matters that are of public controversy or the subject of current public debate. In the case of news presenters and reporters, in light of the fact that news is centrally concerned with the presentation of facts it would be inappropriate that personal views be expressed in relaying such facts.**

Often the format for a news programme will involve a mixture of news reportage, followed by an interview between the news presenter and the reporter on a particular item. In these instances, a reporter can often be asked their opinion in relation to outcomes on the matter that they are reporting, based on their professional, journalistic assessment on the matter. These types of exchanges are permissible under the Code, but, similar to the rule on current affairs presenters, they should not be a vehicle for the biased views of the reporter.
It is acknowledged that some current affairs output can be synonymous with personalities, where the manner in which the presenter presents or interviews contributors can be keenly anticipated by audiences. Often the nature and style of the presenter is a key factor in what engages audiences and draws them into consideration and debate on matters of public controversy and current public debate.

The audience will also often trust that the presenters’ approach may be instrumental in getting to the heart of the issues at hand. These factors contribute to some of the key reasons why news and current affairs coverage is trusted to such an extent by Irish audiences. However, with this level of trust comes a significant level of responsibility on the part of the broadcaster and in the case of these particular rules, the presenter. The Code seeks to prevent a partisan position being advocated by the presenter and to guard against a presenter using his/her programme to pursue an agenda, via comments, choice of guest etc., such that a biased view on an issue is articulated.

Authored programmes can be seen as being somewhat similar to an opinion piece in a newspaper. They are currently most easily identified as regular insert pieces in current affairs programmes and often cover a wider variety of topics from a regular contributor. However, presenters of the authored programmes or inserts are not permitted to pursue a persistent point of view against a particular group or person which is not justified by the context or the public interest.

25. Each broadcaster shall have and implement appropriate policies and procedures to address any conflicts of interests that may exist or arise in respect of anyone with an editorial involvement in any news or current affairs content, whether such person works on-air or off-air.

26. Any personal, professional, business or financial interest of anyone with an editorial involvement in news or current affairs content that calls into question (or that might reasonably be perceived as calling into question) the fairness, objectivity or impartiality of a programme or item, shall be brought to the attention of the audience. To this end broadcasters shall satisfy themselves that they are in a position to be aware of the relevant interests of the personnel concerned, and to determine whether the interest concerned is of such extent as would warrant the withdrawal of any person from further involvement in the item or programme.

**Guidance Note**
A broadcaster’s reputation for fairness, impartiality and objectivity is an important part of its relationship with its audience. Regular listeners and viewers have a right to trust the integrity of the news and current affairs content that they hear and expect that editorial decisions are not influenced by the outside activities or personal or commercial interests of programme makers or those who appear on air.

News and current affairs output may at any time deal with any issue, cause, organisation or individual and it will be to the detriment of audiences and broadcaster should there be doubts over the integrity and objectivity of editorial teams.

Conflicts of interest can arise for anyone who is responsible for news and current affairs content and relevant staff and their managers need to be conscious of this possibility. It is also important that broadcasters take appropriate measures to ensure, insofar as possible, that independent producers or freelance staff do not have any interests which could undermine the fairness, objectivity and impartiality of the output they produce for the broadcasters.

The nature of the conflict and the appropriate response by the broadcaster to the conflict will vary depending on the nature of the conflict and the news and current affairs item to be covered. Accordingly, a list of the categories of conflicts is not provided in the guidance. Broadcasters and programme makers are best placed to make a determination on this matter in terms of day to day programming.

The rules under this heading are not intended to preclude outside activities, rather, they require broadcasters to actively manage the potential for conflicts and to take appropriate steps to ensure that outside activities and interests are managed.

In the context of a complaint, broadcasters are expected to be in a position to demonstrate that steps have been taken to monitor and handle any potential conflicts of interest.

Election & Referendum Coverage

27. Coverage of an election or a referendum shall comply with guidelines and codes of practice issued from time to time by the BAI.

Guidance Notes

Prior to the development of the Code of Fairness, Impartiality and Objectivity, the BAI had in place a Broadcasting Code on Referenda and Election Coverage. On the implementation date of this Code, July 1st 2013, there will be a requirement for broadcasters to adhere to guidelines and codes of practice issued by the BAI from time to time in relation to election or referendum coverage.
These guidelines will be issued in advance of a forthcoming election or referendum and will include guidance on the application of the requirement for fair, objective and impartial news and current affairs in the context of an election or referendum. Guidance on the implementation of a moratorium, the allocation of airtime and on the use of party political will also be provided.

Legal Requirements and Guidance

28. Broadcasters and programme makers shall adhere to all legislative requirements when sourcing, compiling, producing and presenting news and current affairs content.

29. Broadcasters shall have due regard to guidance issued in respect of this Code.

Guidance Note

Whereas broadcasters are not required to comply with the Guidance Notes provided in this Code, there is a requirement to have due regard to them in arriving at decisions in respect of the compilation and production of news and current affairs content.