[GB] Regulator Clarifies Procedures for Privacy and Fairness Complaints

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Ofcom, the UK communications regulator, has clarified its procedures for handling complaints about unfair treatment in programmes and unwarrantable infringement of privacy in the making and broadcasting of programmes. It is required by the s.328 of the Communications Act 2003 to establish procedures for the consideration and adjudication of such complaints. Ofcom handles such complaints about both private broadcasters and the BBC. Its new statement takes into account comments made in an earlier consultation process.

The most important changes are as follows:

There will be a process of “Appropriate Resolution” by which some complaints will be resolved before a formal Ofcom investigation takes place. This will only be used if both parties agree to it. There were requests in the consultation that a process be established for the appeal of formal decisions of the Ofcom Fairness Committee; currently the only means by which such a decision can be challenged is judicial review in the courts. Ofcom had received legal advice that this would be unlawful as no provision is made for appeal in the Communications Act. Instead, a two stage process will be introduced by which the Fairness Committee will reach a provisional decision; this will be communicated to the parties who will have the opportunity to make final representations. Only then will the final adjudication be made by the Committee. In view of representations that current deadlines for statements from broadcasters responding to complaints are unrealistic, they will be changed so that the deadline for lodging first round statements by broadcasters will be 20 working days and, where there is a second round of statements, 10 working days. Finally, where a complaint is made on behalf of the person affected, the complaint form is being amended to ensure that the necessary authorisation is obtained from that person.

Ofcom, “Statement on the Fairness and Privacy Complaints Handling Consultation”, 14 June 2006

http://www.ofcom.org.uk/consult/condocs/fandp/statement/

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