[IE] Broadcast of Unverified “Tweet” Unfair to Presidential Candidate

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Damien McCallig
School of Law, National University of Ireland, Galway

On 7 March 2012 the Compliance Committee of the Broadcasting Authority of Ireland (BAI) upheld a complaint made by a former candidate for the office of President of Ireland. The complaint concerned the use of an unverified tweet during a live televised debate just three days prior to polling. The Committee also held that the broadcaster, RTÉ, (the national public service broadcaster), exacerbated the unfairness by including extracts of the debate in a related radio interview with the complainant broadcast the following morning. This related radio broadcast also failed to include any clarification regarding the provenance of the tweet.

During the debate the tweet was attributed, in error, to the official twitter account of another Presidential candidate. Its content called into question the relationship and prior involvement of the complainant, who was standing as an independent candidate, in fundraising activities for a political party, an involvement which the complainant had rebutted throughout the campaign and had also addressed earlier in the live debate. The tweet formed the basis for the presenter to reopen discussion on the nature and extent of the complainant’s involvement with the political party.

During a period of robust exchanges on the topic, the candidate, to whom the tweet was accredited, was not asked to confirm its provenance; nor were there any apparent attempts by the broadcaster to verify the provenance of the tweet. This is despite information being available within minutes that clarified that the tweet was not from the official account of the other candidate.

The complaint was made in accordance with s.48 of the Broadcasting Act 2009, and contended that there had been a breach of s.39(1)(b) of the Broadcasting Act 2009. This section requires that every broadcaster should ensure that in its treatment of current affairs it is fair to all interests concerned and that broadcasts are presented in an objective and impartial manner. The complainant also sought an apology from the broadcaster and an investigation or public hearing into the matter. The broadcaster claimed that the broadcast of the tweet was legitimate for a number of reasons, including:

- the content of the tweet, if not its source, was accurate;

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- the other candidate, to whom the tweet was accredited, did not deny its provenance;

- the complainant had the opportunity to respond to the tweet and to matters relating to his relationship with the political party and its fundraising activities.

The Committee in their decision confirmed that the focus of the debate on the character and policies of candidates for the office of President of Ireland was appropriate. Accordingly, questions on the complainant's prior relationship with the political party were considered to be legitimate and in the public interest. Therefore there was a context for inclusion of the tweet in addressing these legitimate interests and the Committee considered that it is reasonable, in principle, for a presenter to reopen topics once the programme as a whole does not breach the requirements of fair, objective and impartial treatment of all contributors to a programme.

It was the Committee's view that the broadcast, in a programme of this nature, of what amounted to unverified information at the time of broadcast, from a source wrongly accredited by the presenter, was unfair to the complainant. The Committee decided that the complaint was not of such a serious nature to warrant an investigation or public hearing. No provision exists to compel broadcasters to issue an apology in such circumstances but the broadcaster was required to carry an announcement detailing the Committee's decision.

The Committee also noted that the disclosure of material relating to the complaint, by persons unknown, during the period of consideration of the complaint by them, demonstrated a lack of respect for the integrity of the complaints process.

BAI, Compliance Committee Meeting, February 2012

http://www.rte.ie/news/2012/0307/bai_gallagher_ruling.pdf

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