[IE] New Code of Programme Standards

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Ronan Ó Fathaigh
Institute for Information Law (IViR), University of Amsterdam

On 27 January 2015, the Broadcasting Authority of Ireland published its revised code of programme standards. The previous code had been in effect since 2007 (see IRIS 2008-5/23) and in 2014 a public consultation was launched in order to update the code. The Authority noted that the review indicated that the content of the previous code remained relevant, but "the structure and wording of the code required substantial revision". This was to ensure the code was more "user-friendly and understandable".

Thus, while the previous code had over 14 sections under both "Content Rules" and "Content Principles", the new code is divided into seven distinct "Principles", namely (1) respect for community standards, (2) importance of context, (3) protection from harm, (4) protection of children, (5) respect for persons and groups in society, (6) protection of the public interest, and (7) respect for privacy. The code then sets out specific guidance for broadcasters on how these principles might be fulfilled.

While Principles 1 - 5 mainly reflect the rules under the previous code, the new code introduces two significant additions. The first is a non-exhaustive definition of "public interest content", which includes programme material that reveals or detects crime, protects public health or safety, exposes false or misleading claims made by individuals or organisations, discloses incompetence of individuals or organisations that affect the public, exposes misuse of public funds, exposes the breaking of the law, encourages and facilitates debate and understanding of social and political topics or informs the public or raises a debate, on matters of public importance.

The second significant addition to the code is Principle 7 on "Respect for privacy". The code provides that broadcasters shall respect the privacy of the individual and ensure that it is not unreasonably encroached upon, either in the means employed to make the programme or in the programme material broadcast. In this regard, the code states that the privacy of a person is unreasonably encroached upon where there is no good reason for the encroachment. However, the right to privacy is not absolute and must be balanced against other rights and considerations, such as the public interest and freedom of expression.

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Notably, the code sets out a number of rules for broadcasters on the issue of privacy, including (a) any encroachment on the right to privacy must be proportionate and limited to the degree that is required to inform the audience in the public interest, (b) ensure that participants in a broadcast are generally aware of the subject matter, context and the nature and format of their contribution so that their agreement to participate constitutes informed consent, (c) have due regard to the impact that coverage and repeated coverage of death may have on the families and friends of the deceased, (d) have due regard for the particular considerations that apply when filming in situations of emergency or when filming victims of accidents or those suffering personal tragedy, in order to ensure that the privacy of such persons is not unreasonably encroached upon, and (e) ensure that surreptitious filming or recording is only used where it is warranted.

The new code will come into effect on 1 March 2015.

Broadcasting Authority of Ireland, Code of Programme Standards, 27 January 2015

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