

**GUIDELINES FOR THE HANDLING OF
COMPLAINTS ABOUT THE OBSERVANCE OF
STANDARDS SET UNDER SECTION 7 OF THE
EUROPEAN PARLIAMENTARY ELECTIONS ACT
2004.**

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Introduction

1. Under section 11 of the European Parliamentary Elections Act 2004 the Gibraltar Regulatory Authority (the "GRA") must establish procedures for the handling and resolution of complaints about the observance of the code of standards set under section 7(1) of that Act.
2. This document outlines those procedures.

Form of Complaints

3. The GRA will normally only consider complaints that are in writing.
4. The GRA will consider a complaint if certain criteria are satisfied. These are:
 - 4.1 the complainant must have a direct interest in the subject matter of the complaint;
 - 4.2 the matters complained of must not be the subject of legal proceedings in Gibraltar or be more appropriately resolved by legal proceedings in Gibraltar; and
 - 4.3 the complaint must not be frivolous or vexatious.
5. The GRA may reject a complaint if it is not made within 60 days of the transmission of the broadcast which is the subject of the complaint.
6. In addition, the GRA may reject a complaint if, for any reason, it is "inappropriate" to consider it. If a complaint is rejected on these grounds, the GRA will provide the complainant with a full explanation as to why the complaint has been rejected.
7. The details of the complaint (time; broadcaster; programme; nature of the complaint etc) will be logged. Each complaint will be acknowledged and the complainant will be given a reference number.

Initial Assessment

8. An initial assessment of the complaint will be made by the GRA. When necessary, the broadcaster will be required to provide a recording within five working days.
9. Not all complaints received will fall into the GRA's remit. That is to say, the GRA only has the power to consider complaints that are made in relation to the content of programmes included in television and radio broadcasts in relation to European Parliamentary elections.
10. If the complaint falls outside the GRA's remit, then the complainant will be notified with an explanation as to why the complaint has not been entertained.

Entertained Complaints

11. If the complaint is entertained, the broadcaster will be sent a copy of the complaint and a request for a statement in response (normally within 3 working days).
12. On receipt of the statement in response, the GRA will copy it to the complainant. The GRA will then consider whether further information is required and continue the correspondence as necessary.
13. In order to progress the investigation of the complaint, the GRA may require such information as it considers necessary from the parties. Such information must be provided in such manner and within such reasonable period as the GRA may specify. Such information may only be required where the GRA has set out its reasons for requiring the information and where the information requested is proportionate to the use to which the information will be put in the carrying out of the investigation.
14. The complainant and the broadcaster will see all the relevant correspondence. However, the provisions of this paragraph are, of course, subject to the Data Protection Act 2004 and the laws of confidentiality.

Resolution

15. On the conclusion of the investigation, the Chief Executive of the GRA will make a recommendation, explaining fully his reasons, to both parties.
16. The recommendation could encompass a variety of scenarios such as the complaint is not upheld; the complaint is upheld; the complaint is upheld and the broadcaster should, if appropriate, apologise privately and/or broadcast and/or publish a summary of the GRA's conclusions.
17. The GRA's decision is final. The GRA's decision is, of course, amenable to judicial review.

Publication of conclusion

18. If a complaint is upheld in whole or in part, then the GRA will publish its findings on the GRA website. It may also direct the broadcaster to transmit and/or publish a summary of its conclusions.
19. All parties will have the opportunity to comment on factual errors in the summary of the adjudication and draft press release (if one is released) before publication.