



GIBRALTAR REGULATORY
AUTHORITY

Guidelines for handling complaints about the observance of the Code of Standards in relation to European Parliamentary Elections

Issued under section 11 of the European
Parliamentary Elections Act 2004

Date 18th April 2019

No. 02/19

FOREWORD

Procedures for the handling and resolution of complaints about the observance of the Code of Standards for TV and radio programmes in relation to European Parliamentary Elections

CONTENTS

Introduction	1
Form of complaints	1
Initial Assessment	2
Entertained Complaints	2
Resolution	2
Publication of conclusion	3

Introduction

1. Under section 11 of the European Parliamentary Elections Act 2004 (the "Act"), the Gibraltar Regulatory Authority (the "Authority"), 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 and shall apply to all broadcasters of television and radio services under the jurisdiction of Gibraltar.
3. The Authority is mindful of the need to ensure that any complaints which raise substantive concerns about impartiality of broadcast coverage during the election period are dealt with effectively and as quickly as possible.
4. If specific circumstances mean that an investigation needed to be concluded promptly, the Authority will aim to conclude it within 24 hours. In any event, the Authority will ensure that complaints are determined as efficiently and as timely as possible so that if redress is required, it can be provided for within the election period.

Form of complaints

5. The Authority will normally only consider complaints that are in writing or submitted using the online complaints form available on the Authority's website.

www.gra.gi/broadcasting/complaint-form

6. The Authority will consider a complaint if certain criteria are satisfied. These are:
 - 6.1 the complainant must have a direct interest in the subject matter of the complaint;
 - 6.2 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
 - 6.3 the complaint must not be frivolous or vexatious.
7. The Authority may reject a complaint if it is not made within 48 hours of the transmission of the broadcast which is the subject of the complaint.
8. In addition, the Authority may reject a complaint if, for any reason, it is "inappropriate" to consider it. If a complaint is rejected on these grounds, the Authority will provide the complainant with a full explanation as to why the complaint has been rejected.
9. 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

10. An initial assessment of the complaint will be made by the Authority. When necessary, the broadcaster will be required to provide a recording within 24 hours.
11. Not all complaints received will fall into the Authority's remit. That is to say, the Authority only has the power to consider complaints that are made in relation to the allocation and content of programmes included in television and radio broadcasts in relation to European Parliamentary elections.
12. If the complaint falls outside the Authority's remit, then the complainant will be notified with an explanation as to why the complaint has not been entertained.

Entertained Complaints

13. 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 24 hours).
14. On receipt of the statement in response, the Authority will copy it to the complainant. The Authority will then consider whether further information is required and continue the correspondence as necessary.
15. In order to progress the investigation of the complaint, the Authority 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 Authority may specify. Such information may only be required where the Authority 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.
16. The complainant and the broadcaster will see all the relevant correspondence. However, the provisions of this paragraph are subject to the Data Protection Act 2004, the General Data Protection Regulation and the laws of confidentiality.

Resolution

17. On the conclusion of the investigation, the Chief Executive Officer of the Authority will make a recommendation, explaining fully his reasons, to both parties.
18. 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 Authority's conclusions.
19. The Authority's decision is final. The Authority's decision is amenable to judicial review.

Publication of conclusion

20. If a complaint is upheld in whole or in part, then the Authority will publish its findings on the Authority's website. It may also direct the broadcaster to transmit and/or publish a summary of its conclusions.
21. 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.

CONTACT US

Gibraltar Regulatory Authority
2nd floor, Eurotowers 4, 1 Europort Road, Gibraltar

 (+350) 20074636

 broadcasting@gra.gi

 www.gra.gi

