



HOW THE PRESS OMBUDSMAN CAN ASSIST PRISONERS

The Code of Practice of the Press Council of Ireland contains ten Principles. The Code states, among other things, that member publications:

- must strive for truth and accuracy (Principle 1)
- cannot publish comment or rumour as if it were fact (Principle 2)
- should not obtain information through misrepresentation, subterfuge or harassment, unless justified in the public interest (Principle 3)
- must respect the private family life and home of everyone (Principle 5.3)
- must strive to ensure that court reports are fair and accurate (Principle 7)

A complaint to the Office of the Press Ombudsman must present evidence that a member publication may have breached one or more of the Principles of the Code of Practice. Member publications include:

- All daily and Sunday newspapers published in the Republic of Ireland
- The majority of local newspapers
- Many Irish-published magazines
- Some online news publications
- The associated digital outlets of member publications

All information in relation to a complaint must be received within three months of publication of the article, or of the behaviour of a journalist taking place.

How to make a complaint

You, or somebody you have nominated to act on your behalf, must first complain in writing to the editor of the publication. You should mark your complaint “Confidential – not for publication”. It is very important that you address the complaint to the editor.

If, within two weeks from the date of your complaint to the editor, you do not receive a reply, or you are dissatisfied with the reply you have received, you can then complain in writing to the Office of the Press Ombudsman. You should let us have a copy of the article, a copy of your correspondence with the editor and an outline of how and why you believe the article breached the Code of Practice.

If the subject matter of your complaint is the subject matter of court proceedings in Ireland, consideration of your complaint will have to be postponed.

Consideration by the Office of the Press Ombudsman

A copy of your complaint will be sent to the editor for his consideration.

If your complaint cannot be resolved to your satisfaction, it will be forwarded to the Press Ombudsman for a decision.

Decision by the Press Ombudsman

The Press Ombudsman will make a decision on your complaint after considering all of the correspondence on file.

The Press Ombudsman may decide to uphold your complaint, not to uphold your complaint, that action offered by the editor was sufficient to resolve the complaint, or that he has insufficient evidence before him to make a decision one way or the other.

If you wish, the Press Ombudsman will anonymise his decision so that you cannot be identified.

Instead of making a decision on your complaint, the Press Ombudsman may exercise his discretion to refer the complaint directly to the Press Council of Ireland for decision. If he does that, the Press Council will then appoint a sub-committee from among its members to consider the complaint.

Appeals procedure

Either party can appeal a decision of the Press Ombudsman or of a sub-committee of the Press Council. An appeal can be made on one or more of three grounds: that there has been an error in procedure, that significant new information is available or that there has been an error in the application of the Code of Practice. Mere disagreement with the decision cannot be grounds for appeal.

Publication of decisions

All decisions of the Press Ombudsman upholding a complaint must be published by the publication concerned along set guidelines laid down by the Press Council (The Publication Guidelines).

All decisions of the Press Ombudsman are published on the websites of the Press Ombudsman and Press Council, and are circulated to the media generally.

Contact us

You should feel free to contact the Office in advance of making a formal complaint if you have any queries about our complaints process:

The Office of the Press Ombudsman, 3 Westland Square, Pearse Street, Dublin D02 N567.

Tel: 01 6489130 or local 1890 208 080

Email: info@pressombudsman.ie

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Code of Practice of the Press Council of Ireland

Preamble

The freedom to publish is vital to the right of the people to be informed. This freedom includes the right of the press to publish what it considers to be news, without fear or favour, and the right to comment upon it.

Freedom of the press carries responsibilities. Members of the press have a duty to maintain the highest professional and ethical standards.

This Code sets the benchmark for those standards. It is the duty of the Press Ombudsman and Press Council of Ireland to ensure that it is honoured in the spirit as well as in the letter, and it is the duty of Press Council print and online media members (the press) to assist them in that task.

In dealing with complaints, the Ombudsman and Press Council will give consideration to what they perceive to be the public interest. It is for them to define the public interest in each case, but the general principle is that the public interest is invoked in relation to a matter capable of affecting the people at large so that they may legitimately be interested in receiving and the print and online news media legitimately interested in providing information about it.

Principle 1 – Truth and Accuracy

1.1 In reporting news and information, the press shall strive at all times for truth and accuracy.

1.2 When a significant inaccuracy, misleading statement or distorted report or picture has been published, it shall be corrected promptly and with due prominence.

1.3 When appropriate, a retraction, apology, clarification, explanation or response shall be published promptly and with due prominence.

Principle 2 – Distinguishing Fact and Comment

2.1 The press is entitled to advocate strongly its own views on topics.

2.2 Comment, conjecture, rumour and unconfirmed reports shall not be reported as if they are fact.

2.3 Readers are entitled to expect that the content of the press reflects the best judgment of editors and writers and has not been inappropriately influenced by undisclosed interests. Wherever relevant, any significant financial interest of an organization should be disclosed. Writers should disclose significant potential conflicts of interest to their editors.

Principle 3 – Fair Procedures and Honesty

3.1 The press shall strive at all times for fair procedures and honesty in the procuring and publishing of news and information.

3.2 The press shall not obtain information, photographs or other material through misrepresentation or subterfuge, unless justified by the public interest.

3.3 Journalists and photographers must not obtain, or seek to obtain, information and photographs through harassment, unless their actions are justified in the public interest.

Principle 4 – Respect for Rights

Everyone has constitutional protection for his or her good name. The press shall not knowingly publish matter based on malicious misrepresentation or unfounded accusations, and must take reasonable care in checking facts before publication.

Principle 5 – Privacy

5.1 Privacy is a human right, protected as a personal right in the Irish Constitution and the European Convention on Human Rights, which is incorporated into Irish law. The private and family life, home and correspondence of everyone must be respected.

5.2 Readers are entitled to have news and comment presented with respect for the privacy and sensibilities of individuals.

However, the right to privacy should not prevent publication of matters of public record or in the public interest.

5.3 Sympathy and discretion must be shown at all times in seeking information in situations of personal grief or shock. In publishing such information, the feelings of grieving families should be taken into account. This should not be interpreted as restricting the right to report judicial proceedings.

5.4 In the reporting of suicide, excessive detail of the means of suicide should be avoided.

5.5 Public persons are entitled to privacy. However, where people hold public office, deal with public affairs, follow a public career, or have sought or obtained publicity for their activities, publication of relevant details of their private life and circumstances may be justifiable where the information revealed relates to the validity of their conduct, the credibility of their public statements, the value of their publicly expressed views or is otherwise in the public interest.

5.6 Taking photographs of individuals in private places without their consent is not acceptable, unless justified by the public interest.

Principle 6 – Protection of Sources

Journalists shall protect confidential sources of information.

Principle 7 – Court Reporting

The press shall strive to ensure that court reports (including the use of images) are fair and accurate, are not prejudicial to the right to a fair trial and that the presumption of innocence is respected.

Principle 8 – Prejudice

The press shall not publish material intended or likely to cause grave offence or stir up hatred against an individual or group on the basis of their race, religion, nationality, colour, ethnic origin, membership of the travelling community, gender, sexual orientation, marital status, disability, illness or age.

Principle 9 – Children

9.1 The press shall take particular care in seeking and presenting information or comment about a child under the age of 16.

9.2 Journalists and editors should have regard for the vulnerability of children, and in all dealings with children should bear in mind the age of the child, whether parental or other adult consent has been obtained for such dealings, the sensitivity of the subject-matter, and what circumstances if any make the story one of public interest. Young people should be free to complete their time at school without unnecessary intrusion. The fame, notoriety or position of a parent or guardian must not be used as sole justification for publishing details of a child's private life.

Principle 10 – Publication of the Decision of the Press Ombudsman / Press Council

10.1 When requested or required by the Press Ombudsman and/or the Press Council to do so, the press shall publish the decision in relation to a complaint with due prominence.

10.2 The content of this Code will be reviewed at regular intervals.