



today, tomorrow, together

RTÉ

Journalism & Content Guidelines | Third Edition 2020



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## Preface

**This is the third revision of the RTÉ Journalism Guidelines that were originally published in 2012. This latest edition reflects major changes in the media landscape since the revised Journalism Guidelines of 2014.**

The RTÉ Journalism & Content Guidelines 2020 were formulated by the RTÉ Editorial Standards Board. They contain changes that arise from the day-to-day working experience, changes in legislation, new issues and new challenges. They reflect our “One RTÉ” strategy and now include all RTÉ content.

They apply to all content irrespective of the platform on which it is published. Some sections are particularly relevant for those involved in news and current affairs content.

All those involved in content creation and programme making should also have regard for the compliance obligations found in the various BAI codes dealing with editorial and commercial communications, as well as other relevant, specific RTÉ codes and policies.

Rapid advances in technology will continue to shape the delivery of our journalism and content. Our core journalistic principles of trust, accuracy, fairness, independence and serving the public interest remain the cornerstones of all we do, regardless of the platform.

Everyone working for or on behalf of RTÉ in the production of content – on all our platforms – is required to comply with these guidelines. Colleagues are reminded that non-compliance with these obligations may result in significant regulatory and/or legal consequences.

These guidelines are designed to protect our editorial independence and public trust.

RTÉ wishes to acknowledge with gratitude the resource material available from fellow public-service broadcasters including the BBC, S4C, ABC Australia and the BAI and EBU in drafting these guidelines.

**Dee Forbes**

Director-General RTÉ

July 2020

## Introduction

**These guidelines provide a broad overview of how RTÉ applies its editorial values and principles in the creation of content across all our platforms.**

It is a 'user guide' and, in several defined areas, it outlines RTÉ's approach to content creation and programme making.

The guidelines are not a substitute for the personal responsibility of those involved in content creation and programme making to apply our core values and the principles of integrity, fairness, open-mindedness and self-criticism in assessing the potential of what we publish.

### **Mandatory Obligations**

These guidelines contain obligations that are mandatory and these are identified in blue boxes.

The mandatory obligations are focused on decisions that have potential legal and regulatory implications and which may have an impact on RTÉ's reputation and editorial integrity.

Timely referrals are essential to allow proper consideration of any relevant issues that might arise.

Knowledge of and adherence to these guidelines is obligatory for all involved in content creation and programme making.





## Section 1

# Roles and Responsibilities

RTÉ's editorial values include a commitment to:

- Operate in the public interest, providing news and current affairs that is fair and impartial, accurate and challenging
- Be honest and transparent in all of our activities
- Take personal responsibility for pursuing the organisation's goals
- Ensure safety of our staff, contractors and our guests – whether they are visiting an RTÉ building or on assignment around the world

### 1.1 Editorial Responsibility

Editorial responsibility within RTÉ rests with the editorial chain of management. Those involved in the creation of RTÉ content are required to exercise editorial responsibility for it. When in doubt about an editorial matter, refer it up the editorial management chain for advice or decision. Content that is likely to result in significant public controversy – even if an editor/producer has no doubt about its editorial value – should be referred upwards for consideration of any editorial policy issues.

Independent production companies should refer to the relevant Commissioning Editor/Executive. Whenever significant legal issues may be involved, this must be communicated at an early stage to Legal Affairs.

### Mandatory Obligation 1

Knowledge of these guidelines is the personal responsibility of all those engaged in the creation of content. It is an essential professional requirement and a matter of contractual obligation to abide by them.

### 1.2 RTÉ Director General as Editor-in-Chief

In accordance with the Broadcasting Act 2009, the RTÉ Director General acts as editor-in-chief in respect of all content broadcast or published by RTÉ. However, the Director General is not involved in routine day-to-day editorial decision making across all of RTÉ's output. The role is therefore *primarily a strategic one*, where they set overall editorial standards, priorities and direction for the organisation.

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## Section 2

# RTÉ Editorial Standards Board

In addition to editorial line management, RTÉ has an Editorial Standards Board\* that is independent of existing editorial lines within output divisions and is convened by the Head of Editorial Standards & Compliance. It has two core functions.

The first core function is to provide an additional resource, complementary to the editorial and legal processes for those programmes where it is considered that the view of the Board should be sought by way of a pre-broadcast assessment.

### 2.1 Pre-broadcast Assessment

- The Managing Editor of Current Affairs TV, in consultation with the Director of News & Current Affairs, will determine if a planned broadcast or investigation should be referred to the Board for pre-broadcast assessment. The decision of the Director of News & Current Affairs shall be final.
- For all other content (radio, television and online) the relevant editor/head/producer will assess any significant or serious risk and, in consultation with the Director of Content, determine if it should be referred to the Board. The decision of the Director of Content shall be final.
- When assessing a planned investigation, the Managing Editor of Current Affairs TV, where they deem appropriate, may also provide advance notice to the Board of potential significant or serious risk.
- Circumstances may arise where the Board can request information and/or a pre-broadcast assessment in relation to a planned broadcast, even when a referral has not been made.
- Where a planned programme is referred to the Board, the relevant editor/producer shall present a detailed report to the Board – including scripts, background note and legal advices – at least five working days in advance of the scheduled transmission. Only in exceptional cases will the Board waive this notice period.
- Upon completion of an assessment, the Head of Editorial Standards & Compliance, on behalf of the Board, will write to the relevant editor/producer setting out its view on whether transmission is justified in the public interest and making any recommendations it deems appropriate. Where the relevant editor/producer decides not to adopt a recommendation(s) from the Board, the reasons shall be provided in writing to the Board prior to transmission.

### 2.2 Review and Assessments

The second core function of the Editorial Standards Board is the assessment and analysis of RTÉ programmes, selected post-transmission, and the review of complaints concerning RTÉ programmes. The outcome of programme reviews will be reported to the relevant Director of News & Current Affairs and Director of Content. Where, in the opinion of the Board, shortcomings are identified, the Board will propose appropriate training and/or other measures to address these concerns.

See Appendix 2.

RTÉ has an Editorial Standards Board\* that is independent of existing editorial lines within output divisions and is convened by the Head of Editorial Standards & Compliance.



## Section 3

# RTÉ's Editorial Principles – Trust, Accuracy and Impartiality

### 3.1 Trust

Trust is the cornerstone of RTÉ: our content should be honest, reliable, authoritative, accurate, impartial, fair and independent of vested interests. Our editorial choices are based solely on our professional judgement and should aim to provide our audience with context and background, reflecting the complexity of the world we live in.

### 3.2 Accuracy

Accuracy is not simply a matter of getting facts right. If an issue is controversial, relevant opinions as well as facts may need to be considered. All relevant facts and available information should be weighed to provide the most accurate, fair and objective report.

Our standards, principles and guidelines apply to all content:

- We strive for accurate reporting at all times and we correct mistakes, where they arise.
- We understand that speed in providing news stories is important. However, the need to guarantee accuracy is even more important than speed.
- We must verify whether RTÉ has permission or a licence to use pictures/footage before doing so. Use of unlicensed material can lead to legal issues/cost for RTÉ. Any deviation from this must be approved by the relevant managing editor.
- We do not present factual material in a way that will materially mislead the audience.
- We keep records of research, including written and electronic correspondence, background notes and documents.
- We save notes derived from discussions/interviews with potential interviewees for programmes separately before incorporating material from these into a briefing document for an editor/presenter.
- We keep records in a way that allows for double-checking, particularly at the scripting stage, and if necessary, by another member of the team.
- We provide attribution if a story originates from another source – online, social media etc.
- We require editors to log and track amendments when edits are made to articles/programmes and maintain records of all changes. This also applies to on-demand edits on our Players.
- We are mindful of bogus accounts, fake news, hoaxes and spoofs. We check the provenance of material from websites or social media streams before using it.
- We provide clear riders and sub-heads identifying comment and analysis pieces, or opinion pieces from RTÉ employees,
- We ensure comment and analysis and opinion pieces from outside contributors always include a disclaimer along the lines of the following: "The views expressed here are those of the author and do not represent or reflect the views of RTÉ."
- Where online services use algorithms, we ensure that RTÉ's values are not being compromised in any way.
- We do not assume that user-generated content is accurate. It must be verified and identified as such.
- We take special care in relation to any material that we suspect has been supplied by a member of a lobby group or organisation with a vested interest, rather than a disinterested bystander.
- We check if a) there are any copyright issues and b) that the material is relevant to the RTÉ content before using external online content.
- We exercise care in relation to online voting. Any summary of online voting or expression of opinion should: (i) not be called a poll and (ii) make it absolutely clear that the results have no wider significance and represent only the views of the audience at that time. Provided this is done explicitly and is reported at the same time, results of online votes should be expressed with the actual number of those who voted, in addition to percentages.

## Section 3

# RTÉ's Editorial Principles – Trust, Accuracy and Impartiality Continued

### 3.3 Impartiality

News and current affairs output comprises a key part of our content. RTÉ must be the key provider of impartial information to the Irish people. While there is scope for opinion and expression of personal views, there is a strict obligation within news and current affairs to observe due impartiality. We seek to comply with this obligation in the following ways:

- We gather and present news and information with due impartiality.
- We present a diversity of perspectives so that, over time, no significant strand of thought or belief is either knowingly excluded or disproportionately under- or over-represented.
- We do not state or imply that any perspective is the editorial opinion of RTÉ. RTÉ takes no editorial stance other than its commitment to fundamental democratic principles including the rule of law, freedom of expression and religion, parliamentary democracy and equality of opportunity.
- We do not misrepresent any perspective.
- We do not unduly favour one perspective over another.

We seek to maintain a balance of opinion that reflects the weight of the evidence, such as the consensus of contemporary scientific knowledge at the time of the broadcast, where this is relevant. This does not exclude alternative views per se. However, we are not obliged to provide a false equivalence.

On a general note, impartiality does not always require that differing opinions be achieved within a single broadcast. There are times when it may not be possible to cover all views in a single broadcast. Impartiality can be achieved within a reasonable period by a balancing contribution that is clearly signposted as such. Fairness does not necessarily require that all options on a subject are addressed or that differing views receive equal time.

### 3.4 Sources of Information

We normally identify sources of information and significant contributors, and provide their credentials, so that our audiences can judge their status.

- We normally require two sources before we broadcast something as a fact.
- We must be very confident that the information is accurate and the source is reliable if we have to rely on a single source.
- We should acknowledge when we have been unable to verify material sufficiently and attribute the information.

Protecting the identity of confidential sources is an important journalistic principle to which RTÉ adheres. We may do this by using techniques such as 'shadow' recordings, voice distortion etc and by ensuring relevant information does not appear in any notes that might become the subject of a court order or a data access request.

Where RTÉ has to rely on an anonymous source(s):

- We satisfy ourselves that extending the protection of anonymity is essential to the telling of the story.
- We give our audience whatever information we can about the source in a form that provides some evidence of their credibility but does not materially mislead about the source's status and does not put their anonymity at risk.
- We provide authority to the relevant editor/producer, in a story originated by RTÉ, to ask and be informed of the identity of an unnamed source(s) central to the accuracy of the story.
- We acknowledge the Director of News & Current Affairs or, where appropriate, the Director of Content may decline permission to broadcast if they are not satisfied with the sourcing of the story.
- We make an anonymous source aware of the above provisions, particularly in any case where serious allegations are made.
- We keep full notes, preferably made at the time or, if not, as soon as possible afterwards, and preserved by the staff member concerned in circumstances where recording might inhibit the source.
- We should take accurate, reliable and, wherever possible, contemporaneous notes of interviews as well as all significant research and other relevant information.

### 3.5 Whistleblowers

A whistleblower is a person who makes a protected disclosure under the Protected Disclosures Act 2014.

We should interrogate the motivation of a source(s) who has NOT made a disclosure under the Act and who is seeking anonymity. Whistleblowers and any other sources should not receive any payment or other inducement for their involvement.

#### Mandatory Obligation 2

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Any proposal to rely on a single unnamed source making a serious allegation or to grant anonymity to a significant contributor must be referred to the relevant managing editor and Legal Affairs.

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In the context of this mandatory obligation, the managing editor and Legal Affairs will consider:

- Whether the story is of significant public interest;
- Whether the source is of proven credibility and reliability and in a position to have sufficient knowledge of the events featured and whether, if this is a single source, there is any corroborative evidence;
- Any legal issues;
- Safety concerns, for example, for the source(s);
- Whether a response to serious allegations has been sought from the people or organisations concerned;
- Whether the serious allegation was made or substantiated "off the record".

### 3.6 Live Programming

Where our content includes live programming, there may be particular challenges in following the exact procedures and protocols contained in these guidelines. However, the same standards apply. Programme makers working on 'live' shows must do their utmost to ensure that fairness, objectivity and impartiality, as well as a respect for privacy, remain paramount.

### 3.7 Audience Engagement

Engaging with our audience also forms an important part of our output. When we use comments sent via text, email or other social media outlets, as well as talking to callers directly or engaging with a live audience:

- We ensure contributors to phone-ins are called back to verify their identity, full personal details and, if necessary, we brief them before they go on air.
- We take care to establish whether contributors are appropriate to put on air, including alerting them to legal responsibilities (e.g. defamation) and appropriate referral is made in cases of doubt.
- We seek to provide a breadth and diversity of views, in keeping with the requirements of due impartiality.
- We may pre-record potentially sensitive interviews.
- We expect our presenters to brief themselves on these guidelines and be able to extricate the programme from potentially defamatory or other serious situations with alacrity and courtesy.
- We verify texts and other social media material before they are broadcast.
- We ensure the production team is briefed on how to deal carefully with contributors when producing a phone-in or 'live' interview on a difficult or sensitive subject. If appropriate, support systems should be in place.
- We take particular care when children and young people interact with RTÉ by way of phone calls, texts, emails or other social media (see also Section 8: Children).
- We give careful consideration when a programme is contacted unexpectedly by someone wishing to share their difficult or sensitive story and, if in doubt, we refer up the management chain.

## Section 4


# Fairness

### 4.1 Broadcasting Act 2009

Section 39(1) of the Broadcasting Act 2009 requires RTÉ to be objective and impartial in its news output. There is no statutory requirement for our news output to be fair, which is acknowledged the BAL.

There is a requirement for fairness in current affairs. This is defined as the broadcast treatment of matters that are either of public controversy or the subject of current public debate.

Fair and honest dealing is essential to maintaining trust with audiences and with those who participate in or who are otherwise directly affected by our content. We must be open and straightforward in our dealings with contributors and audiences unless there is a clear public interest in doing otherwise or we need to consider important issues such as legal matters, safety or confidentiality.



We must be open and straightforward in our dealings with contributors and audiences unless there is a clear public interest in doing otherwise or we need to consider important issues such as legal matters, safety or confidentiality.

### 4.2 Our Standards on Fairness

- We provide information on the general subject matter and scope of a programme to participants so that their participation involves informed consent.
- We treat our contributors and potential contributors with respect.
- We notify a contributor to a programme or item if there are changes to the focus or structure of the programme or item, where not to do so could be deemed unfair or partial.
- We do not edit contributions in a way that distorts either the context or the meaning of the original interview.
- We make reasonable efforts when allegations are made about a person or organisation to provide a fair opportunity to respond.
- We ensure we have a record of any request for a response including dates, times, the name of the person approached and the key elements of the exchange.
- We should normally describe the allegations in sufficient detail to enable an informed response and set a fair and appropriate deadline by which to respond.
- We reflect fairly and accurately any parts of the response relevant to the allegations broadcast and aim to do so in the same programme, or publish at the same time, as the allegation.
- We may provide assurances in relation to conditions of participation, use of content, confidentiality or anonymity. These assurances must be honoured except in rare cases where justified in the public interest – in such cases, approval must be sought from the relevant managing editor.
- We make clear to the audience where a person or organisation refuses to contribute or chooses to make no comment and report the reason given.
- We do not allow the refusal of a person or organisation to participate to prevent broadcast of the item. However, we must attempt to reflect fairly the views of the absent party, both in what is said and how.





# Editorial Integrity and Independence

Any person directly involved in content production that may have a conflict of interest in respect of an item or items, or may have potential for such a conflict, must bring this to the notice of their editorial line manager.

### 5.1 Public Service – Integrity and Independence

RTÉ exists to serve the public. The public must have confidence in the integrity and independence of what they hear and see on RTÉ's services:

- We must be editorially independent of government, business interests, political parties, trade unions and pressure groups.
- Nothing we do should give rise to any perception that presenters, reporters or producers personally benefit from their decisions as to who participates in programmes, what products are featured and what issues are discussed.
- There must be no grounds for the perception that editorial decisions in some way reflect the personal views of production teams.

### 5.2 RTÉ News and Current Affairs

Presenters, reporters and correspondents are the public face and voice of RTÉ. Our audiences should not be able to tell from our output the private, personal views of our journalists or news and current affairs presenters on matters of public policy, political or industrial controversy, or on 'controversial subjects' in any other area. This does not mean they cannot provide analysis and commentary.

- We expect correspondents and reporters to provide analysis and commentary based on an informed and reasonable interpretation of the details of a particular story.
- We believe analysis and/or commentary enhances the understanding of our audience, provided it does not amount to advocacy of a particular position or outcome or constitute a partisan position.
- We allow for 'personal view' or 'authored' programmes or items, whether by RTÉ employees or persons contracted, and such items are signalled to the audience.
- We do not automatically assume that contributors from other organisations (such as academics, journalists, researchers and representatives of charities) are unbiased. We may need to make it clear to the audience when contributors are associated with a particular viewpoint or special interest, if it is not apparent from their contribution or from the context in which their contribution is made.
- We acknowledge the distinction between expressing a 'personal view' that may be contextually appropriate and expressing a view that purports to, or could be interpreted as, representing the view of RTÉ.
- We affirm that RTÉ may express or hold a view, where appropriate, on matters relating to its remit as a public-service broadcaster.
- We confirm RTÉ does not take a position on issues of public or political controversy.

These guidelines apply equally to presenters/reporters etc in non-news/current affairs output and content creation when items of political debate or public controversy are being dealt with.

### 5.3 Potential Conflict of Interest

Any person directly involved in content production that may have a conflict of interest in respect of an item or items, or may have potential for such a conflict, must bring this to the notice of their editorial line manager. Any manager becoming aware of such a risk in the content production area must discuss the matter with the person concerned and should also refer it upwards.

- We acknowledge that RTÉ presenters, freelance and independent contractors, and other production staff must not accept any offers that might compromise our independence and integrity.
- We acknowledge the acceptance of gifts, beyond those of a nominal value, is not permitted.
- We do not permit private work, such as media training and promotional work on behalf of any commercial organisation.
- We acknowledge that those working in financial journalism have a particular responsibility to act ethically with regard to 'insider information', financial recommendations, market manipulation etc to avoid any conflict of interest.

#### Mandatory Obligation 3

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RTÉ presenters must not promote commercial ventures with which they are associated or from which they stand to gain financially.

Any personal, professional, business or financial interest that could call into question the perceived fairness, objectivity or impartiality of a presenter or employee should be declared to the appropriate editorial manager.

Financial journalists must not promote, or give the impression of promoting, any business or financial service in our output or seek to make any financial gain for themselves or a third party arising from financial information they obtain in the course of their work.

All requests for speaking engagements, chairing of meetings etc, including of a charitable/not-for-profit nature, must be made in writing to the appropriate editorial manager for approval in advance.

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### 5.4 Wearing of Badges, Symbols or Icons

RTÉ does not permit presenters, correspondents or reporters to wear political, activist or campaign badges, symbols or icons on screen, including live streaming of radio programmes or other events, which could be perceived to undermine our editorial independence. This also applies to any person, staff or otherwise, who is representing RTÉ in the workplace, a public forum or at a public event.

### 5.5 Use of Social Media

Social media is also important in our work. It allows us to more easily connect with people, to find useful information and newsworthy content, and to get our journalism to new audiences. However, social media can blur the line between personal and professional, and the simplest misstep could lead you to undermine the credibility of yourself, your colleagues and RTÉ as a whole. Knowledge of our policies on social media (contained in the RTÉ Social Media Guidelines) is a mandatory requirement.

#### Mandatory Obligation 4

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It is incumbent on all members of staff in RTÉ to comply with the RTÉ Social Media Guidelines available on the HUB.

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## Section 6

# Privacy and the Public Interest

Under Section 39 of the Broadcasting Act 2009, RTÉ is required not to unreasonably encroach upon the privacy of an individual in the making of programmes.

### 6.1 Our Standards on Privacy

- We will not intrude into a person's private life without consent unless it is justified in the public interest.
- We ensure the extent of the intrusion is limited to what is proportionate in the circumstances.
- We will ensure an infringement of privacy is justified from the outset, as well as what is broadcast or published.
- We do not obtain consent from individuals who are incidentally caught on camera as part of a general scene unless they are engaged in an activity where they have a legitimate expectation of privacy that is not outweighed by a public-interest consideration.
- We seek to provide appropriate signs when it might not be obvious that we are recording for broadcast.
- We normally respect a request from an individual or organisation to stop filming or recording because of a concern about privacy, unless it is editorially justified to continue.
- Where people have been killed, injured or are missing, it is important that, as far as is reasonably practicable, families or next of kin do not learn of this from RTÉ content. In verifying such details, we also liaise with An Garda Síochána and other State or relevant bodies.

### 6.2 Our Standards on Serving the Public Interest

There are times when RTÉ seeks to balance respect for privacy with the public interest in disclosing information and in keeping with freedom of expression.

Our approach is guided by the following considerations:

- We are satisfied the publication can be justified in the public interest.
- We will not allow investigations/reports to become 'fishing expeditions'. There should be a public-interest justification for commencing basic research and inquiry, and some justifying evidence if a subject is to be elevated to substantive research or active production that may encroach on privacy.
- We give consideration to the public interest to justify an intrusion; the greater the intrusion the greater the public interest required to justify it.
- We avoid subterfuge except in clearly defined and authorised circumstances.
- We abide by these guidelines whenever secret recording is involved.
- We ensure a set of clear authorisations from within the editorial line management chain to commence an investigation and during the course of investigatory work.
- We have a clear editorial rationale for what is eventually put into the public domain and how.

Investigations are obviously an important way of uncovering matters of public interest and include issues such as maladministration, crime and corruption, the misuse of public funds and the abuse of those in the care of the State.



## Section 6

# Privacy and the Public Interest

## Continued

The division between private and public is rarely absolute and the 'public interest' may not always be the same as what 'the public is interested in'. A public-interest justification may include instances, such as:

- We disclose information that allows people to make a significantly more informed decision about matters of public importance;
- We prevent people from being misled by some statement or action of an individual or organisation;
- We inform debate on key issues;
- We promote accountability and transparency for decisions and public spending;
- We reveal crime or significant unethical or anti-social behaviour;
- We expose fraud and corruption;
- We help people understand and challenge decisions affecting them;
- We engage in analysis and/or investigation of an individual's or an entity's pursuit of a course of action in circumstances where the public's trust has been sought in support of the goal(s) outlined;
- We acknowledge an individual is to be judged for their public acts, not private ones. In this case, 'private' should be taken to mean issues to do with personal relations, personal communications, beliefs and past affiliations unless these can be shown to be directly and significantly relevant to the performance of their public duties. The test is always the impact on public actions or duties.

### 6.3 Investigations and Public Interest

#### Mandatory Obligation 5

Any proposal beyond preliminary research to undertake an investigation into serious crime or significant anti-social behaviour or another issue in the public interest must be referred to the relevant genre head.

Accurate and reliable records, including note taking, is crucial to protect the reputation of an investigative programme, its production team and RTÉ. If the parameters of the investigation shift significantly during production, this should be confirmed and agreed with the senior editorial figure responsible. It may be necessary to go through some of the initial procedures again to ensure the refocused investigation still has the necessary *prima facie* evidence and public interest.

Throughout the editing process, it is important to ensure the finished programme reflects the evidence fairly and accurately, taking into account the context in which secretly recorded incidents took place.

When the allegations to be made have been clarified, they should normally be put to the individual, organisation or company concerned for a response.

#### Mandatory Obligation 6

Sensitive documents, recorded material and other information must be kept securely and any distribution of such material kept to the minimum. Confidentiality of records and information is an obligation that applies to all journalism.

### 6.4 Doorstepping for News, Current Affairs and Factual Programmes

Doorstepping involves recording or attempting to record an interview with someone for broadcast, or announcing that a phone call is being recorded for broadcast, when that person is not expecting to be interviewed for broadcast because we have not made a prior approach. It may involve a potential infringement of privacy and should normally be a last resort. It must not be used simply for dramatic effect.

Doorstepping does not include vox pops or seeking to interview individuals coming and going from a meeting/event where there is a reasonable expectation that journalists will seek their views.



## Mandatory Obligation 7

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Any proposal to doorstep in an RTÉ produced or commissioned programme, whether in person or on the phone, must be approved in advance by a managing editor or a senior editorial figure designated by the relevant managing editor.

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### 6.5 Criteria to be Considered

Approval will be given if:

- We are satisfied the subject of a doorstep has failed to respond to requests for interview in connection with the alleged wrongdoing;
- We are satisfied there is a history of failure to respond to interview requests;
- We ensure the doorstepping is timely and proportionate to any alleged wrongdoing.

Consideration must be given to both the timing and the consequences of such doorsteps. It must always be possible to assess and evaluate any new information or legal intervention prior to transmission.

In certain circumstances, the relevant managing editor may also approve doorstepping without a prior approach where:

- There is good reason to believe that an investigation/report will be frustrated or allegations avoided if a prior approach is made.

### 6.6 Dealing with Crime

When investigating criminal activity, we may, on rare occasions, want to record a specific crime. Recording of this kind must be referred to a senior editorial figure or, for commissioned programming, to the genre head and to Legal Affairs. A decision will need to be made about informing An Garda Síochána. Approval will only be given if it can be justified in the public interest.

Even then:

- We avoid condoning, aiding or abetting criminal behaviour or directing it in any way.
- We avoid provoking or inciting criminal behaviour that would not otherwise have occurred.
- We keep our research notes, diaries, emails and other paperwork, as well as rushes not used in a broadcast, as these may be obtained by court order or may have to be disclosed as evidence to a court, tribunal or inquest.

We do not pay individuals to talk about their crimes. Any exception to this rule can only be approved by the Director of News & Current Affairs or the Director of Content if justified in the public interest. They must also be satisfied that the payment will not influence the accuracy of the testimony and the evidence is unobtainable without such a payment.

### 6.7 Secret Recording

The following techniques are considered to be secret recording:

- The use of hidden cameras, drones or microphones;
- The general use of audio-video equipment – including long lenses, small video cameras, mobile phone cameras, webcams and radio microphones – when people are unaware they are being recorded for broadcast;
- The deliberate use of audio-video equipment including long lenses, small video cameras, mobile phone cameras, webcams and radio microphones, either to conceal the equipment from targeted individuals or to give the impression of recording for purposes other than broadcasting (for example, a holiday video);
- Recording telephone calls for broadcast without indicating to the other participants on the telephone call that it is being recorded.

## Section 6

# Privacy and the Public Interest

## Continued

The following procedure will apply in any consideration to approve the use of secret recording:

### Mandatory Obligation 8.1

There must be *prima facie* evidence that the behaviour to be revealed (or intention to carry out the behaviour) is in the public interest before secret recording is used as an investigative tool.

The Director of News & Current Affairs or the Director of Content must assess any proposal to use secret recording in any content intended for use by RTÉ.

If satisfied that there is a public-interest justification, approval can be given subject to any conditions that may be set by the relevant director. The relevant director shall make a record of the decision to approve or not approve a request to secretly record and provide a written notification to the Director General of the decision and reasons for same. Where approval is granted, the relevant programme maker/content creator shall provide progress updates to the sanctioning director.

The following procedure will apply in deciding to broadcast or publish content obtained by secret recording:

### Mandatory Obligation 8.2

Prior to the broadcast or publication of any content arising from secret recording, the Director General – or, in the absence of the DG, a delegated person – shall be briefed on the proposed content before a final decision is taken to broadcast.

Secret recording may also be used in some instances for so-called 'candid camera' or 'prank' items for comedy/light-entertainment purposes. Where approval is given for such use, the footage may only be published where the 'pranked' person consents after being informed of the secret filming.

Secret recording may also be used as a method of consumer, scientific or social research in the public interest, where no other methods could naturally capture the attitudes or behaviour in question.

### 6.8 Drones

The principles in these guidelines apply to the use of drones. Anyone who proposes to use drones in programme making and content creation must familiarise themselves with the separate RTÉ policy to be found on the HUB.

Secret recording may also be used as a method of consumer, scientific or social research in the public interest, where no other methods could naturally capture the attitudes or behaviour in question.



## Section 7

# Reporting of Sieges, Kidnappings, Hijackings and Hostage Taking

We need to be particularly sensitive to the impact our reporting may have on situations such as sieges, kidnappings, hijackings or hostage taking. Our reporting may be accessed by people directly involved in these events and, therefore, may unintentionally play a part in the unfolding of events.

### Mandatory Obligation 9

We do not knowingly broadcast live interviews with known perpetrators of sieges, kidnappings, hijackings, hostage taking or similar illegal actions while such events are in progress. If a person engaged in such an illegal act contacts RTÉ or a programme team, this must be reported immediately to the relevant managing editor, senior editor or producer.

Senior editorial consent is also required before using pre-recorded material made by or with perpetrators.

Co-operation and communication between all programmes reporting and commenting on such events is essential to ensure consistency of approach and a strict adherence to whatever collective decisions have been taken as to the nature of RTÉ's coverage.

### Mandatory Obligation 10

The News & Current Affairs Division has the primary responsibility on occasions such as these and all reporting, no matter its source (broadcast or online), must be agreed by the Director of News & Current Affairs.

We normally respect advice from An Garda Síochána about not revealing information that may either be of help to those involved in the events or which may interfere with the security forces handling of the events.

### Mandatory Obligation 11

When An Garda Síochána ask that information be withheld, it is the responsibility of the RTÉ journalist to inform their editorial line manager and any other colleagues reporting on the events. The request from An Garda Síochána must be circulated throughout all relevant areas within RTÉ as quickly as possible.

However, on occasion we may consider making information public that An Garda Síochána has requested is withheld. This should not happen without referral up the editorial chain. Such a decision can only be taken with the approval of the Director of News & Current Affairs.

We need to be particularly sensitive to the impact our reporting may have on situations such as sieges, kidnappings, hijackings or hostage taking.

## Section 8

# Children

### 8.1 Safeguarding the Welfare of Children

All children have the right to be protected from harm and abuse. All staff should be familiar with and apply the principles of the **RTÉ Child Protection Policy (please see policies section on the RTÉ Hub)** in our dealings with children. A child means a person under the age of 18 years.

#### Mandatory Obligation 12

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If staff suspect or identify any child welfare issues, they must follow the procedures set out in the RTÉ Child Protection Policy.

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### 8.2 Children as Contributors – Informed Consent

The welfare of those who contribute to our content is of the utmost importance and takes priority over any editorial requirement.

When featuring children in our content, their full, free and informed consent must be sought. Information should be given in a way they can understand and it should be made clear to them that it is acceptable to agree or disagree. A child's refusal to take part should always be accepted.

In addition to the consent of the child, parental consent must be sought before interviewing anyone under the age of 18. It is desirable to obtain the consent of both parents when interviewing children. In a situation where a child's parents are estranged and consent cannot be obtained from both parents, careful consideration must be given before proceeding.

#### Mandatory Obligation 13

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Any proposal to continue with the contribution of a child after the refusal of parental consent, or in the absence of it, must be referred to the relevant director (News & Current Affairs or Content) who shall consider if the proposed contribution is (i) justified in the public interest (ii) can be achieved in a way that will not be harmful to the child's welfare and (iii) in all the circumstances, if it is appropriate for the child to contribute to output.

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RTÉ must assess if it is appropriate for children to contribute to output, regardless of their consent and of parental consent. In some circumstances it may be appropriate to seek advice from an expert on the likely impact of participation on the child.

### 8.3 Filming in Schools/Clubs

When filming/recording in schools/club or at any organised group event, the consent of the person in charge is required. Staff, children and parents must be made aware of the proposed activities. Consent must be obtained from any parties/their parents who are being filmed/recorded. No filming/recording will take place in respect of any child if their consent/their parents' consent has not been obtained.

### 8.4 Reporting on Children and Illegal or Anti-social Activity

Programmes, the subject matter of which concerns children and illegal and/or anti-social behaviour, will require attention and consideration tailored to the specific needs of the programme.

There are also legal restrictions once proceedings are active, which are outlined in the General Advice Notes on Contempt of Court and Statutory Restrictions Relevant to Court Reporting, and these must be followed.

#### Mandatory Obligation 14

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As an absolute rule, programme legal advice must always be obtained in advance of any proposed report that may identify a child involved – in any capacity – in criminal court proceedings, or a child involved in illegal or anti-social activity.

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## Section 9

# Religion

As part of its commitment to public-service broadcasting, RTÉ reflects, interrogates, celebrates and explains the diverse beliefs, cultures and spiritual values of the people of Ireland. Our editorial principles include:

### 9.1 Respect for All Religious Views

The fundamental right to hold religious views and to practise religion is respected and acknowledged.

RTÉ must remain religiously impartial, objective and fair. RTÉ will also contribute towards the audience's understanding of international issues by providing information on and analysis of the role of religion in world affairs.

### 9.2 Tolerance of the Diversity of Belief

RTÉ content will not only reflect the major faiths traditionally found in Ireland, but also those of the country's new and minority communities. Diverse religious voices should be part of the national conversation reflected in RTÉ's content, including those of people who are agnostic or atheistic.

### 9.3 Avoid Undue or Gratuitous Offence to Those Who Hold Religious Views

Whilst Ireland no longer has a blasphemy law, common decency demands informed sensitivity in the way RTÉ covers and refers to people's religious beliefs, histories, practices, festivals, symbols, language and rituals. It is, of course, acceptable (and indeed, on occasions, in the public interest) to examine critically religious beliefs, institutions and individuals, whether in factual programmes, dramas, news and other genres of output.

Equally, religious leaders may be questioned and held to account, as long as they are treated with respect and fairness.

### 9.4 Treatment in Different Areas of Output

As religion and faith are central to so many people's lives, they will inevitably and rightly receive attention in a variety of content genres, such as news, documentaries, discussions, drama and comedy. It is important to take into account, in both scripting and production, that offence may be given to people with deeply held religious views. A balance has to be struck between avoiding giving offence and freedom of expression, and undue offence should be avoided at all times.

The programme editor/producer should have regard for any content that in their opinion may cause "undue offence". If in doubt, they should seek the view of line management.



## Section 10

# Suicide

Suicide, attempted suicide and self-harm should be portrayed with great sensitivity, whether in drama or in factual programmes. It is important to note the portrayal of attempted suicide and self-harm have the potential to make such actions appear to vulnerable people as possible and even appropriate. Suicide is a complex issue, often linked to mental illness. In our reporting or portrayal of suicide:

- We avoid detailed descriptions of suicide methods.
- We do not use the term “committed suicide” – suicide is not unlawful.
- We provide information, wherever appropriate, about where help and advice can be found.
- We avoid sensational headlines, images and language.
- We do not perpetuate popular misconceptions – such as ‘those who threaten suicide are unlikely to do it’ or ‘if someone wants to kill themselves, nothing will stop them’.
- We consult with the immediate family before publishing material that may not have been in the public domain.
- We are mindful that prominent figures are entitled to privacy, even if they take their own life.
- We exercise care, particularly when there is speculation, often on social media, concerning a suicide or suicides.
- We are mindful that suicides in institutions may give rise to a public interest issue and may deserve investigation.

### 10.1 Dyadic Death (Murder-Suicide)

The rare event known as dyadic death, or murder-suicide, is of its nature a complex, multiple tragedy requiring particular sensitivity and alertness to distress and offence. Coverage of such events and of issues or questions arising should not be inhibited, but it should be cognisant of the sensitivities particularly present in these cases.

In covering a murder-suicide, the following additional points are important:

- We have due regard before approaching witnesses, victims or others affected by a murder-suicide.
- We are mindful of the location (a home, a place of work or of education).
- We do not use the term “foul play is not suspected” in cases where a parent/guardian is found dead with a child or children.
- We use phrasing such as ‘no one else is being sought in connection with the deaths’.
- We are alert to the fact the crime of murder is involved.
- We exercise due care about the motives behind the perpetrator’s behaviour.
- We are mindful that unfounded conjecture may influence other people in difficulty and can trigger their suicide acts.

### Mandatory Obligation 15

Any proposal to broadcast or publish a hanging scene, or to portray suicide, attempted suicide or self-harm must be referred to a senior editorial figure or, for independent productions, to the commissioning editor.

### 10.2 Vulnerable Persons

At times, a vulnerable or distressed person may contact RTÉ.

Any situation like this is potentially difficult, especially where people are not skilled or trained in dealing with a distressed person. Where this arises and where practicable, we should seek to put the person in touch with the appropriate agencies that may be able to assist. Contact points and information are available at:

<https://www.samaritans.org/ireland/about-samaritans/media-guidelines/media-guidelines-ireland/>

We also exercise care when portraying, in factual or fictional content, conditions such as anorexia or bulimia. We are aware that the vulnerable, especially the young, may imitate or emulate behaviour and techniques depicted. Care should be taken to ensure that content is responsible and appropriate for the likely audience. Vulnerable adults may also require the informed consent of a responsible person, such as a professional carer or counsellor.

# Political Coverage and Elections

RTÉ is a major provider of space for public debate and is therefore expected to be different from other media. On all our platforms, the listening, viewing and reading public should be able to see and hear a diverse range of views. RTÉ must be, and must be seen to be, completely impartial in its handling of political debate.

### 11.1 RTÉ Election/Referendum Steering Group

The RTÉ Steering Group is chaired by the Director General and includes senior management from News & Current Affairs, Radio Programmes, Television Programmes and RTÉ Online and Digital. This group co-ordinates RTÉ's coverage of campaigns and ensures overall coverage is fair. (See Also Appendix 1.)

### 11.2 Studio and Panel Discussions

RTÉ aims to facilitate open debate in elections and on issues of public interest and concern. Where politicians and/or other guests are invited to participate in studio debates in television or streamed radio debates:

- We request that they do not wear badges, emblems or symbols on issues of public debate or controversy unless that subject is an item for debate/discussion on the show where conflicting views can be debated and challenged. This is to ensure that RTÉ's impartiality is maintained with the viewing audience.
- We acknowledge political and other relevant guests are free, within reason, to wear relevant election or campaigning badges, emblems, symbols where the subject matter is the focus of discussion.
- We request the co-operation with this, particularly from elected representatives and other representative bodies. In all cases, the decision of the relevant editor/producer on what is permitted shall be final and they may refuse to allow a guest entry to the studio if the badges, emblems or symbols are deemed unacceptable.

### 11.3 Coverage of Elections and Referenda

At the onset of an election and/or referendum campaign, RTÉ will adhere to the BAI Rule 27 Guidelines, which will be linked on the Hub. An advisory notice will also be issued to all staff in relation to coverage and content. During a campaign:

- We put in place a formal monitoring of output to provide accurate information to the Steering Group during a campaign.
- We aim to ensure fairness within individual programme strands. While this may not always be possible, the totality of our coverage will be fair to all interests.
- We ensure the Steering Group is informed when unanticipated events occur, for example, a candidate not turning up for an interview or a link going down.
- We recognise that, at times, news values may over-ride considerations of proportionality.
- We inform the Steering Group when this happens to allow consideration of any potential concerns.

### 11.4 Opinion Polls and Surveys

Opinion polls may prove accurate but, equally, they may be inaccurate in important respects. For this reason, our coverage of any opinion poll must be carefully evaluated to avoid attributing any definitive predictions or outcomes. Our audience must be advised of the limitations of a poll, such as the margin of error, the limitations of polling methodology, events that may have affected public opinion during or after the fieldwork for a poll and geographical considerations (where relevant).



## Section 11

# Political Coverage and Elections

## Continued

### 11.5 Reporting the Findings of Opinion Polls

- We should not lead a news bulletin or programme with the results of an opinion poll unless it is relevant to a significant political development.
- We seek to report the findings of opinion polls in the context of trend, particularly when reporting voting-intention polls. The trend may consist of the results of all major polls over a period or may be limited to the change in a single pollster's findings. Poll results that defy trends without a convincing explanation should be treated with particular care.
- We should not use language that gives greater credibility to the polls than they deserve. For example, we can say polls "*suggest*" and "*indicate*", but never "*prove*" or "*show*".
- We should not normally rely on the interpretation given to a poll's results by the organisation or publication that carried it out or commissioned it.
- We should identify the organisation that carried out the poll and the organisation or publication that commissioned it, as well as the questions, results and sample size. We should normally report the dates of the fieldwork and draw attention to events that may have had a significant effect on public opinion since it was carried out.
- We should report the expected margin of error in voting-intention polls.
- We must have regard to the nature of the organisation conducting the poll; the methodology used; and whether it is a member of, or affiliated to, a recognised professional body when we decide whether to publish an opinion poll.

RTÉ is a major provider of space for public debate and is therefore expected to be different from other media. On all our platforms, the listening, viewing and reading public should be able to see and hear a diverse range of views.





## Section 12

# Harm and Offence

When our content includes challenging material that risks offending some of our audience, it should have a clear editorial purpose and be clearly signposted. Challenging material gives rise to issues around harm and offence and is also related to issues around the broadcast watershed. The watershed is dealt with in Section 13.

Such challenging material may include strong language, violence, sex, sexual violence, humiliation and distress, the violation of human dignity and discriminatory treatment or language. Context is always important.

### 12.1 Context

- We take into consideration the surrounding editorial material, the service on which the content is available and the time at which it is available.
- We have regard to the likely size and composition of the potential audience and likely expectation of the audience.
- We have regard to the harm or offence likely to be caused by the inclusion of the particular content in output generally or in output of a particular nature or description.
- We are mindful of the extent to which the nature of the content can be brought to the attention of the potential audience, for example by signposting and content information.
- We are alert to the effect of the content on audiences who may come across it unexpectedly.

When considering harm and offence, it is important to note that the **BAI Code of Programme Standards** acknowledges an important distinction between them.

No one has a right not to be offended. When providing diverse content to a diverse audience, offence may be caused to some people. Offence is largely subjective and varies from person to person. The key issue is 'undue offence' – content that crosses a line resulting in a person being unduly offended.

Harm is less subjective. This is content that has an "effect" – content that may cause psychological or physical harm (e.g. strobe lighting or flash photography where no warning is provided in advance).

### 12.2 Diversity

In every society there are individuals and groups that are vulnerable and are likely to be under-represented in broadcasting unless programme makers are active in ensuring that their voices are heard. We are also mindful of the need to respect diverse strands of Irish society.

All involved in programme making and content creation where issues of harm and offence may arise must familiarise themselves with the BAI Code of Programme Standards.

We draw particular attention to Principle 3 (Protection from Harm) and Principle 5 (Respect for Persons and Groups in Society).

The following paragraph from **Principle 5** should be noted: *"Robust debate is permissible, as is the challenging of assumptions, but programme material shall not stigmatise, support or condone discrimination or hatred against persons or groups in society in particular on the basis of age, gender, marital status, membership of the Traveller community, family status, sexual orientation, disability, race, national, ethnicity or religion."*

The BAI Code of Programme Standards can be accessed at: [www.bai.ie](http://www.bai.ie)

In addition, RTE's Diversity and Inclusion Strategy is outlined in our 2018-2022 strategy document available on the HUB.

When our content includes challenging material that risks offending some of our audience, it should have a clear editorial purpose and be clearly signposted.

### 12.3 Language, Violence and Sex

- We are alert to context and tone in determining whether strong language will be acceptable or deemed unjustifiably offensive.
- We acknowledge strong language can be acceptable when authentic or used for clear purpose or effect within a programme.
- We ensure any depiction of violence is editorially justified and signposted.
- We cover real-life violence or its aftermath in a way that seeks to strike a balance between the demands of honest and accurate reporting and the risk of distress to our audience by taking account of the context and surrounding material.
- We exercise due care and sensitivity when dealing with scenes or images of the moment of death or graphic close ups of the dead or severely injured people.
- We avoid the repeated use of violent scenes in 'promos' and headlines outside their original context or as 'wallpaper' to cover interviews.
- We ensure that the portrayal of sex or the exploration of sexual issues are editorially justified and treated with appropriate sensitivity.
- In post-watershed content, we are mindful of the need for context where there is a frank and realistic portrayal of sex and the exploration of themes and issues.
- We exercise due care regarding nudity before the watershed and must be satisfied it is justified by the context; post-watershed care is still required regarding context.

### 12.4 Tragic Events

The aftermath of a tragic event may require scheduling changes on television and radio or the alteration (or occasionally, the removal) of a web page(s):

- We keep our output under review to identify anything that, in the light of events, might cause undue offence as judged against commonly accepted standards.
- We exercise care in the re-use of archive footage in the context of anniversaries of major tragedies or violent events.

### 12.5 Handling of Animals

Where filming involves the handling or use of an animal or animals:

- We take care that animals are treated appropriately, with full and proper attention to safety of personnel and minimising the risk of harm or cruelty to any animal.
- We give appropriate attention to the provisions of current animal welfare statutes and guidance. Specific advice may be obtained from the Health and Safety office.

### 12.6 Issues such as Hypnotism, Exorcism, the Occult, the Paranormal and Alcohol, Smoking, Solvent Abuse and Illegal Drugs

- We are careful in the portrayal of these issues.
- We have an obligation not to expose our audience to harmful content.
- We do not glamorise misuse of alcohol, illegal drugs, solvent abuse or smoking.
- We provide adequate information, including helplines, to allow the audience make informed choices.





## Section 13

# The Watershed and Scheduling for TV, Radio and Online

There is no watershed for online and on-demand content. Where appropriate, content on these platforms should reflect the general principles outlined in these guidelines.

Programme content covers factual and non-factual programmes such as documentaries, chat shows, reality-type shows, comedy, drama etc.

### 13.1 Television Scheduling

Television scheduling decisions need to balance the protection of young people, particularly children, with the rights of all viewers, including those without children, to receive a full range of subject matter throughout the day. The 9pm watershed signals the beginning of the transition to more adult material.

- We should place the strongest material later in the schedule.
- We signpost scenes of a sexual nature and violence as well as the use of strong language.
- We apply this approach to 'live' and on-demand content on the RTÉ Player.
- We repeat an advisory, where necessary, following any advertising breaks.
- We exercise care in the scheduling of 'promos' that contain adult material.
- We provide a post-transmission announcement, where appropriate, to direct audience members who have been affected by any issues in the content to [www.rte.ie/helplines](http://www.rte.ie/helplines) or other resources that contain contact information for relevant support groups.

### 13.2 Television News

News is aimed at an adult audience. The nature of news means that it is not always possible to avoid showing material before the watershed that might distress some of our audiences. Wherever appropriate, we should provide clear and timely content information to signpost difficult images.

### 13.3 Radio Scheduling

Radio does not have a watershed. Our scheduling decisions should be based on the audience's expectations of each radio service and informed by our knowledge of when children are particularly likely to be in our audience. We must take extra care, including signposting challenging material, when different generations may be listening together.

### 13.4 Scheduling of Programme Promotions and Advertising

Promotions and advertising that are unsuitable for a general audience, including children, must be carefully scheduled. Promotions or advertisements scheduled next to programmes targeted at children or when children are particularly likely to be watching, or in online content likely to appeal to children, should be suitable for that audience.

Television scheduling decisions need to balance the protection of young people, particularly children, with the rights of all viewers, including those without children, to receive a full range of subject matter throughout the day.



## Section 14

# Accountability

### 14.1 General accountability

As a publicly funded, public-service broadcaster, RTÉ is accountable for what we do and, when called upon, we must be ready to explain and justify our editorial decisions and priorities. RTÉ is committed to responding to complaints we receive about programmes, content and other aspects of our output.

### 14.2 Handling Complaints

RTÉ will respond to all valid complaints within four weeks. Responsibility for responding rests with the editor/producer in charge of the production/programme. Valid complaints are to be referred by production teams to relevant editorial managers/producers and to the Head of Editorial Standards and Compliance before any response is issued.

### 14.3 The Broadcast of Corrections, Clarifications and Apologies

No matter how carefully prepared programmes are, there will always be occasions when it will be necessary to return to a subject to clarify or correct what was broadcast. Responding quickly and on our own initiative to correct significant mistakes is usually preferable to subsequently having to deal with a complaint.

#### Mandatory Obligation 16

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##### Clarifications & Apologies

Clarifications: If there is the possibility of any legal issues arising either from the original broadcast or the clarification, programme makers must in the first instance consult their editorial managers. Legal advice must be sought before any agreement to broadcast, except where it is not possible to do so due to the urgency of the matter. If it is decided to broadcast a clarification, it must be scripted in advance and approved. If the matter is sufficiently serious, the clarification should be recorded and not broadcast live.

Apologies: If the original broadcast requires a formal apology, the statement and the broadcast must be approved by editorial management and legal advice must be sought. The broadcast needs to take account of the tone and manner of the voice of the person reading the clarification or apology. Unless otherwise approved by senior editorial management, the apology must be recorded in advance of broadcast and normally by the relevant presentation department.

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### 14.4 Accountability to the BAI

RTÉ is also publicly accountable to the BAI and is **required** to observe its Code on Fairness, Objectivity and Impartiality in News and Current Affairs and the Code of Programme Standards (which are reflected in these guidelines) and its Right of Reply scheme. We co-operate openly and honestly with the authority.

It is important to note that, if the BAI upholds a complaint concerning an RTÉ broadcast, we are obliged to carry a statement reflecting the finding. <https://www.bai.ie/en/codes-standards/>

### 14.5 Freedom of Information

RTÉ is a prescribed body for the purposes of the Freedom of Information Act 2014. This means that certain records may be sought under the Act.

As an organisation whose journalism and editorial work seeks accountability and transparency in public life, RTÉ must adhere to its obligations under the Act.

#### Mandatory Obligation 17

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Where a Freedom of Information request is made, it is obligatory to co-operate with RTÉ's Freedom of Information office in the provision of requested records to allow a determination be made on what, if any, records should be released.

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## Section 15

# Legal Liabilities and the Relationship with Legal Affairs

The law has an increasing impact on the dissemination of all forms of content. In particular news, current affairs and factual-type programmes run the inherent risk of claims in the civil courts for compensation and other remedies such as correction orders. There is also the risk of criminal liability, which may arise in any contempt of court or breach of specific statutory reporting restrictions that may attach to a case and affect its reporting.

Failure to take account of and deal with these inherent risks are potentially very damaging, exposing RTE and/or the individual programme makers to both civil and criminality liability.

### Mandatory Obligation 18

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Editors, journalists and factual programme makers must seek the advice of Legal Affairs at the earliest moment where legal problems are encountered or suspected.

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Legal Affairs is available to give advice to and assist programme makers when problems or questions first present themselves. Context is everything. Requests for advice should be timely and should provide as much accurate and detailed information as is available.

Independent production companies must alert their genre head when legal issues are encountered.

### Mandatory Obligation 19

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Any communications from lawyers acting on behalf of contributors or the subjects of a programme must be passed to Legal Affairs for consideration and advice. Any written communication from the legal representatives of any person or body proposed to be featured in a programme must be dealt with by Legal Affairs (in consultation with the programme maker concerned and the appropriate editor).

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Legal advisers also need adequate time to consider a programme in its rough-cut form. As a general rule, in the case of long-form, documentary-type programmes running in excess of 30 minutes, a first rough cut and a draft (and corresponding) script must be supplied to Legal Affairs at least 3 days before any joint screening and discussion with the production team. In the case of pieces between 15

and 30 minutes in duration, a script and rough cut (and as much information as possible) should be provided 2 days before joint screening. For items between 5 and 15 minutes duration, information should be provided to Legal Affairs on the piece as early as possible and the first detailed legal engagement should occur before the date of proposed transmission. News pieces and other items involving exceptional circumstances will be dealt with on the day of transmission, but must be flagged at the earliest possible opportunity as requiring legal advice. **The critical issue is that legal advice is sought appropriately at each stage of the production process.**

### Mandatory Obligation 20

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Any proposal to proceed with a programme or report, despite legal advice of a significant or serious risk, must be referred to the Director of News & Current Affairs or the Director of Content.

If, having considered the matter, the relevant director proposes to broadcast the programme or report, they must bring it to the attention of the Director General and must present a written argument for the broadcast to take place. Legal Affairs shall make a written risk assessment for the Director General. The decision to authorise transmission, however, remains with the relevant managing director.

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There may also be occasions where providing accurate, impartial and fair coverage in the public interest raises issues of potential conflict with the law. Where such cases arise, we must consider:

- The law's impact;
- What effect breaking the law might have on RTE;
- What the effect might be on the people concerned.

### Mandatory Obligation 21

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Any proposal that may involve a potential breach of the law in the public interest must be referred to the relevant director, who should consult with Legal Affairs.

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General legal advice notes on protection of reputation/defamation law, contempt of court, statutory restrictions relevant to reporting and privacy law are available on the RTE Hub.

## Section 16

# RTÉ and GDPR

Data protection legislation is concerned with any information that relates to a living, identifiable person. Two principle sources are the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 (2018 Act). Irish privacy law is a separate source of law that protects the privacy of individuals and corporations.

All content creators are obliged to familiarise themselves with RTÉ's Data Protection Guidelines to be found on the RTÉ Hub.

GDPR and the 2018 Act provide significant protection for the rights and freedoms of individuals through a legal code that includes an independent regulator. The Irish regulator is called the Data Protection Commission (DPC) and has the power to impose significant administrative fines for breach of data protection law.

### 16.1 Principles

At its most fundamental, GDPR requires those who control or process personal data (and that includes RTÉ and its journalists and programme makers) to comply with certain principles.

In respect of personal data:

- We ensure it is collected for specified, explicit and legitimate purposes, and not further processed in a way that is incompatible with those purposes.
- We secure it properly so that there is no unlawful or unauthorised access or accidental loss or damage (Security Principle).
- We process it lawfully, fairly and in a transparent manner.
- We limit its use to what is necessary for those purposes.
- We do not keep it for longer than necessary.
- We rectify or delete inaccurate personal data.

RTÉ, as a controller, must be able to demonstrate positively its compliance with these principles.

### 16.2 Data Protection and Journalism

Non-compliance with aspects of data protection law is allowed only in circumstances where, having regard to the importance of the right to freedom of expression and information in a democratic society, compliance would be incompatible.

The exception provided for journalism is not a blanket one and there is never an exemption provided from the obligation to keep data properly secured. For example, it may be incompatible with the journalistic purpose to be transparent about collecting information relating to an individual, yet the requirement to collect only the minimum information necessary for the journalistic purpose can be complied with – all the time keeping that information safe and secure.

### 16.3 Data Breaches

A data breach is any unauthorised, unlawful or accidental disclosure, destruction, loss, alteration or access to personal data. If you suspect a potential or suspected data breach, please refer to the RTÉ Data Breach Guide on the RTÉ Hub and immediately notify the RTÉ Data Protection Officer at [dpo@rte.ie](mailto:dpo@rte.ie).

### Mandatory Obligation 22

When a Subject Access Request, or any other request for information, is made pursuant to the GDPR, it is obligatory to co-operate with RTÉ's Data Protection Officer in the provision of requested records to allow a determination be made on what, if any, information or records should be released. Anyone working for or on behalf of RTÉ is also bound by a duty of strict confidentiality for any material to which they have access. Unauthorised disclosure to any third party is strictly forbidden.





# Competitions, Prizes and Other Audience Interaction

Trust is RTÉ's most important value. We will therefore maintain an honest and open relationship with our audiences and we will not intentionally mislead them. When the public engages with us through interactivity, they will be treated with respect, honesty and fairness.

### 17.1 Our Standards

All audience interactivity must be conducted in a manner that is honest, fair and legal. In particular:

- We ensure winners must always be genuine and never invented or pre-chosen.
- We ensure interactive competitions and votes are handled with rigorous care and integrity.
- We ensure competitions, contests and votes have clear rules, which are made known as appropriate.
- We ensure the audience is made aware if the opportunity for interactivity is no longer available when content that includes interactivity is repeated, made available via an on-demand service or otherwise time shifted.
- We ensure production values must not override these principles.

RTÉ must maintain overall editorial control of interactivity when working in partnership with others.

### 17.2 Competitions

All competitions must be honest, open, fair and legal, and prizes must be described accurately.

In particular:

- We must ensure there is a clear editorial purpose and competitions are properly resourced to ensure they can be administered appropriately.
- We must ensure that the terms and conditions (such as the closing deadline for entries etc) are made clear to the audience and that sufficient time is allowed between closing the competition and announcing the result to ensure that it can be verified.
- We should offer a genuine test of skill, knowledge or judgment appropriate to the audience. Appropriate skill must be required to win when premium-rate lines are used for competitions, otherwise the competition may be illegal.
- We must set criteria that are readily available when a competition is to be judged by a panel.
- We must retain our editorial independence.

### 17.3 Prizes

IF RTÉ pays a supplier for a prize, this does not constitute sponsorship. The supply of prizes to radio and television programmes is a form of sponsorship. In such instances, if the value of the prizes is over a figure determined by the BAI, a product placement caption or warning may be required. 'Gifted' prizes should be used for their intended purpose. The value of the prize must be appropriate to the nature of the programme. Care must be exercised in the language and tone associated with prizes. The provision of prizes that are supplied *gratis* to RTÉ must not be accompanied by advertising copy read by the presenter of the programme. Exaggerated claims about the product must be avoided, as must a call to visit the outlet of the provider or the price of the product. The restriction on reference to the price of the product does not prevent a mention of the approximate value of the prize. The tone of the presenter must be neutral (i.e. he or she must not appear to be promoting the product.) Producers must ensure that companies supplying prizes are not using the supply of prizes as a way of avoiding advertising prohibitions/restrictions on radio and television.

### 17.4 Telephone Services

Premium phone lines and premium text services are sometimes used by RTÉ to provide a range of audience interactive services. These include both voting and comment lines. Premium call services are regulated by the Commission for Communications Regulation (Comreg). The full cost for users of premium calls must be given (price per minute or price per call). On television, the information must be left on screen for sufficient time and displayed sufficiently clearly to enable it to be read easily. The duration of calls should be kept to a minimum.



### 17.5 Children's Programmes

Where the audience is likely to be under the age of 18, it is necessary to state that the bill-payer's permission should be sought. For children's programmes, premium calls should be priced at the lower end of the price spectrum. As a general rule, calls should not cost more than postage.

### 17.6 Repeat Programmes

Efforts must be made to ensure that people do not attempt to use the premium call service after the purpose for which it is intended has closed (e.g. if voting finishes at a particular time, that time must be clearly displayed or the information provided in voice to ensure that people do not vote after voting has closed). Care must be taken when broadcasts are repeated to ensure that viewers are aware that they are viewing a repeat and that voting has already been completed. A caption on screen indicating that the programme is a repeat or is not live may be required.

These requirements apply equally to in-house and commissioned programmes.

### Mandatory Obligation 23

All proposals to use premium call services must be cleared in advance of use by RTÉ's Programme Interaction and Competitions (PIC) team.

### 17.7 Game Shows and Quizzes

The choice of contestant should not bring RTÉ into disrepute. Reasonable steps should be taken to screen out contestants who are clearly unsuitable.

Members of the public who take part should be treated honestly, fairly and with regard for their dignity. They must be made aware of the rules and should normally be given clear information about what is likely to happen to them and what we expect of them.

Contestants should be clearly informed of the rules before they take part and should confirm that they accept and understand the terms of their participation.

If they are to appear in a humorous way, it is important that they feel part of the joke rather than ridiculed. Particular care needs to be taken where contestants have been volunteered by family or friends.

We should not put the health or safety of contestants or any other participants at any significant risk. Participants must not be asked to do anything that involves danger to life. In some circumstances, it may be useful to make clear in the output when suitable safety precautions have been taken.

Further details are available at [about.rte/contact/competition-voting](http://about.rte/contact/competition-voting).

Trust is RTÉ's most important value. We will therefore maintain an honest and open relationship with our audiences and we will not intentionally mislead them.



# Advertising, Sponsorship and Product Placement

RTÉ is a dual-funded broadcaster. It derives approximately half of its income from commercial sources.

RTÉ earns revenue from advertising and sponsorship. There are specific BAI guidelines on advertising, product placement and sponsorship that must be observed. The viewer and listener must have confidence that programme content has not been influenced in any way by an advertiser or sponsor.

### 18.1 Sponsorship

All sponsorship arrangements, both for in-house and commissioned programmes, must be co-ordinated with RTÉ's Commercial division and approved by RTÉ's Sponsorship Committee.

Producers, both in-house and independent, must not enter contractual arrangements with potential sponsors without the involvement of the Commercial division.

Sponsorship can take several forms. An organisation or a commercial firm can enter a contractual relationship to sponsor a programme or a series. In a limited number of cases, a specific contract can be negotiated whereby some or all of the sponsorship funding can go directly to the programme budget to enhance the programme. In certain circumstances, sponsorship income can be used to directly fund the production.

This applies to a situation where, without sponsorship funding, the programme could not be made.

This arrangement can only be entered into with the approval of the Audience, Channels & Marketing and Content divisions, in conjunction with the Commercial division. The same guidelines apply to independent producers as in-house producers. Note that there can be no sponsorship in children's and religious programming or in television news or current affairs programmes.

In addition to payment to RTÉ in return for sponsorship recognition, commercial firms can offer sponsorship in kind by providing services or goods to a programme. The same guidelines apply in these instances as when the sponsorship involves cash payments. These proposals should be brought to the appropriate committee for approval.

Commercial activity must also be in keeping with the RTÉ Fair Trading Framework:

<https://about.rte.ie/wp-content/uploads/2017/06/rte-fair-trading-policy-and-procedures.pdf>

RTÉ's Broadcast Sponsorship Guidelines are available on the RTÉ website ([www.rte.ie](http://www.rte.ie))

<https://mediasales.rte.ie/planning/tcs-policies/rte-broadcast-sponsorship-guidelines/>

### 18.2 Product Placement

Product placement (i.e. the inclusion of a product or service in a programme for a payment) is prohibited save for the exceptions approved by the BAI. These exceptions and the strict guidelines under the BAI General Commercial Communications Code must be adhered to.

Placement of products in programme content shall be editorially justified and shall not give undue prominence to the products or services in question.

Audiences shall be clearly informed of the presence of product placement and programmes containing product placement shall be appropriately identified.

Additional guidelines have been produced by the Head of Commercial Compliance, and must be followed.

Online branded content or content with product placement must be clearly identified in accordance with guidelines.

RTÉ's approach to advertising, sponsorship and product placement must be followed, and all approaches by commercial or other bodies must be referred to RTÉ Commercial.

Please also see the BAI General Commercial Communications Code 2017 at [www.bai.ie](http://www.bai.ie)

## Appendix 1

# RTÉ Steering Group and Political Activities

### 1(A) Role of RTÉ Steering Group

Aside from election/referendum campaigns, the Steering Group also deals with issues that may arise regarding political coverage across our content. One such area deals with requests from non-news/current affairs programme for political guests.

Non-news/currents affairs programmes seeking to interview a politician must first seek the permission of the Director of Content before any approaches are made. Where the Director of Content or a relevant designate (e.g. Head of RTÉ Radio 1) approves an invitation, they shall inform the RTÉ Steering Group.

However, all requests by any non-news/current affairs programme to interview or feature Uachtarán na hÉireann, An Taoiseach, An Tánaiste or a party leader must be made to the RTÉ Steering Group in the first instance.

In the period leading up to and including an election and/or referendum, any request by a non-news/current affairs programme to interview or feature politicians or any person engaged in campaigning must be made directly to the RTÉ Steering Group.

If there is any doubt about the timing or status of a person, the appropriate managing editor should be consulted.

### 1(B) Election Debate Guidelines

#### (i) Format

- A detailed breakdown of the programme format, covering audience and question selection, should be presented to and approved by the Steering Group.
- The programme format should be founded on open applications to the programme from members of the public.

#### (ii) Audience Selection

- The format should specify how the audience members selected will represent a balance of gender, region and viewpoints, and how campaign workers will be identified and treated.
- Third-party methods of sifting applications to achieve that balance should be considered but are not mandatory, nor are they replacements for sound editorial judgement.

- Personal friends of the production team should not be selected as audience members for election programmes.

#### (iii) Questions

- The range of questions selected must cover all representatives in the debate, but editorial judgment can be used to ensure key issues in the election are properly addressed through the use of additional questions and supplementary questions by the presenter.
- Potential questions should be submitted to the production team in writing. The team may discuss amendments with the potential questioner to ensure clarity or legal safety, but the final wording must be left to the questioner.
- Questions devised by contributors must never be given to other audience members to read.
- Questioners should not be connected to political parties or candidates' campaigns in an election programme.

#### (iv) Editorial Supervision

- A senior editorial figure must view the programme, whether pre-recorded or 'live', with the sole function of ensuring editorial compliance with RTÉ policy and BAI codes.
- There must be clear lines of editorial responsibility for the broadcast at all times.

#### (v) Staffing and Training

- One member of the production team should be dedicated to the production of the debate in the weeks preceding it.
- Gaps in experience and training for existing staff in editorial, legal and compliance issues should be identified and addressed. Training sessions should be regularly updated with the latest guidance and best practice.
- All new staff, including those on short-term contracts, should receive induction training in RTÉ policies and procedures.



## Appendix 2

### 1(C) Political Activities and RTÉ

Certain categories of RTÉ staff are not permitted to participate in political activities. This constraint is not imposed to limit an individual's freedom to vote, but rather to guarantee to the listening and viewing public that RTÉ is impartial and objective. There is clearly a balance to be maintained between individual rights and collective responsibility. The restricted categories who may not participate in political activity include:

- The Director General and other members of the Executive Board, Head of Editorial Standards and Compliance, Strategic Advisor to the Director General and the Head of Corporate Communications.
- All those involved in news and current affairs coverage and content creation, across all platforms.

Those working in non-restricted categories must exercise their discretion in their political activity to avoid any conflicts with RTÉ's statutory obligations. It is a condition of service that no individual should do anything that would bring RTÉ into disrepute. Restricted categories apply to all broadcasters irrespective of contractual status. Programme makers working for independent companies on RTÉ-commissioned programmes may also need to be restricted.

The definition of political activity includes activity that does not involve a public dimension (for example, working as a backroom person in a political party). Minor non-party political activity (such as participation in residents' groups, environment lobby groups etc) is permissible. However, caution should be exercised not to compromise RTÉ in any way.

It is incompatible with RTÉ's statutory obligations of impartiality to allow people standing as candidates to work for RTÉ in a position of editorial responsibility.

People who work in restricted categories must notify the Director General through their divisional heads if they have any intention of standing as candidates in the European Parliament, Dáil Éireann, Seanad Éireann or presidential or local elections. Any such notification will be dealt with in accordance with RTÉ procedures.

### As of January 2020, the RTÉ Editorial Standards Board comprised:

- Brian Dowling, Head of Editorial Standards & Compliance (Chair)
- Hilary McGouran, Deputy Director of RTÉ News & Current Affairs
- Tom McGuire\*, Head of RTÉ Radio 1
- Eleanor Bleahene, RTÉ Solicitor and Head of Regulatory
- Colm O'Callaghan, Commissioning Editor, Specialist Factual
- Aoife Byrne, Head of RTÉ Online

\*As of July 2020, Peter Woods succeeded Tom McGuire as Head of RTÉ Radio 1 and joined the RTÉ Editorial Standards Board.





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