

## **Ofcom & BBC**

### **Arrangement relating to Online material**

**17 May 2017**

#### **1. Introduction**

- (1) Unlike complaints about BBC broadcasting and on-demand programme services, the BBC Agreement does not require Ofcom to resolve complaints about standards in the content of BBC online material and Ofcom has no related enforcement powers.
- (2) However, clause 60(1) of the BBC Agreement says that Ofcom must consider and give an opinion, including such recommendations as it considers appropriate, on whether the BBC has observed the relevant editorial guidelines on the content of online material in the UK Public Services.
- (3) Ofcom and the BBC accordingly enter into the following arrangement pursuant to clause 60(2) of the BBC Agreement.
- (4) The arrangement sets out the way in which the BBC and Ofcom will handle complaints about editorial standards of online material ("online standards complaints").
- (5) "Complaint", "online material" and "relevant editorial guidelines" are defined for the purposes of the arrangement in the Schedule to this arrangement.

#### **2. Complaint to the BBC**

- (1) Online standards complaints must in the first instance be resolved by the BBC in accordance with the BBC's complaints procedures.
- (2) Ofcom will not intervene at an earlier stage and handle an online standards complaint where the BBC has not provided a response which is final, subject to clause 5 below (a "final view").
- (3) The BBC must inform complainants of Ofcom's role under this arrangement when they are provided with the BBC's final view.

#### **3. Referral to Ofcom**

- (1) If a complainant is not satisfied with the resolution of an online standards complaint by the BBC, he/she may refer the complaint and the BBC's final view on it to Ofcom.
- (2) Ofcom will consider whether an online standards complaint raises potentially substantive issues under the relevant editorial guidelines which warrant consideration by Ofcom.
- (3) Ofcom will not normally consider an online standards complaint which was not made to the BBC in accordance with the time limits in the BBC's complaints procedures.

- (4) Ofcom will be the final arbiter as to whether it will accept a complaint under this arrangement.

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#### **4. Giving of opinion by Ofcom**

- (1) If accepted, Ofcom will consider the online standards complaint and give an opinion on whether the BBC observed the relevant editorial guidelines in the online material.
- (2) Ofcom will publish its opinion, which will include such recommendations as it considers appropriate.

#### **5. Reconsideration by the BBC**

- (1) If, in Ofcom's opinion, the BBC did not observe the relevant editorial guidelines, the BBC will have regard to Ofcom's opinion and consider whether further action is appropriate.
- (2) The BBC will contact the complainant to inform him/her what action will be taken, if any.
- (3) The final decision on an online standards complaint will be the BBC's.

#### **6. Procedures**

- (1) Ofcom and the BBC will each set and publish procedures for their respective handling of online standards complaints in accordance with this arrangement.
- (2) Before setting such procedures, the BBC and Ofcom will consult each other.

#### **7. Records and information**

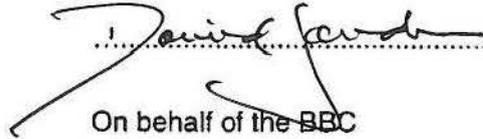
- (1) If a complaint is made, the BBC will retain any related material (including the online material, if available) for at least 42 days after the day on which the BBC may reasonably expect the complainant to have received its final view.
  - (2) The BBC will comply with any request to produce such material to Ofcom.
  - (3) The BBC will retain records of its handling of online standards complaints for a minimum of five years. Where a breach of the relevant editorial guidelines has been identified, the records relating to that complaint will be retained indefinitely. Personal information relating to complaints will be disposed of in line with the BBC's personal data retention policy.
  - (4) Ofcom may require the BBC and any other person to provide information for the purposes of Ofcom considering and giving an opinion on an online standards complaint in accordance with article 47 of the BBC Charter.
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## 8. Review

- (1) Ofcom and the BBC will review this arrangement at least once during the term of the BBC Charter.



On behalf of Ofcom



On behalf of the BBC

## SCHEDULE

- (1) "Complaint" means a criticism which has been made in the expectation of a reply and which looks for an acknowledgement of fault or a change in the way the BBC does things.
- (2) "Online material" means material provided online (on any website, application or online interface) in the UK Public Services, including written text, images, audiovisual and sound content, but excluding:
- (a) programmes (audiovisual or sound) provided in an on-demand programme service (e.g. BBC iPlayer, iPlayer Kids);
  - (b) BBC World Service content;
  - (c) BBC material on a third party website, third party application or third party online interface (e.g. YouTube, other video sharing platforms, bbcworldwide.com, any website which is not within the bbc.co.uk/ domain);
  - (d) social media (including corporate BBC social media accounts and the personal accounts of BBC employees) (e.g. The One Show Twitter account, a BBC presenter's Twitter account, the BBC Three Facebook page);
  - (e) message boards and comments pages (e.g. the BBC Points of View message board, reader comments on a news article);
  - (f) educational and learning resources (e.g. BBC Bitesize);
  - (g) user-generated and interactive content which is not directly linked to a broadcast or on-demand programme service (e.g. BBC iWonder, BBC Make It Digital, BBC Taster); and
  - (h) BBC corporate material (e.g. BBC speeches, statements, press releases, training material).
- (3) "Relevant editorial guidelines" means those of the BBC's Editorial Guidelines for the time being in force which reflect the standards set under section 319 of the Communications Act 2003 and the code in force under section 107 of the Broadcasting Act 1996 (together, the 'Ofcom Broadcasting Code').