



Fairness and Privacy Complaint Form

Completing your form

Ofcom has a statutory duty to consider and, where appropriate, adjudicate on complaints of unjust or unfair treatment and unwarranted infringement of privacy ('fairness and privacy complaints').

Fairness and Privacy complaints **must** be submitted to Ofcom in writing. Ofcom will normally only consider such complaints if they are submitted through the completion of this Fairness and Privacy complaint form.

Before completing this form, you are advised to read Ofcom's Procedures for the consideration and adjudication of Fairness and Privacy complaints ("Ofcom's Procedures"). These can be found on Ofcom's website.

Please ensure that you complete the form as fully as possible. All complaints should include: contact details of the complainant and details of the programme (including the name or title of the programme, the date and time of the programme and the channel/station the programme was broadcast). Please refer to Ofcom's Procedures for a full list of information you should provide.

Note: Failure to provide these details may prevent Ofcom from identifying the programme within a reasonable time and otherwise delay or prevent Ofcom being able to consider the complaint.

Data protection

We require this information in order to carry out our duties as detailed above, under the Communications Act 2003. Please see Ofcom's

General Privacy Statement¹ for further information about how Ofcom handles your personal information and your corresponding rights.

We will keep your information confidential and will not disclose it to third parties, except where we are required to do so by law or we need to so that we can consider your complaint.

Note: For Fairness and Privacy complaints, Ofcom will forward a copy of the complaint form and any accompanying information to the relevant broadcaster.

General information

Please be aware that there may be occasions when a broadcaster may wish to try to resolve a complaint with the complainant instead of Ofcom conducting a full investigation. This approach is encouraged by Ofcom in settling a complaint to the satisfaction of both the broadcaster and the complainant. Therefore, any proposals to resolve your complaint from the broadcaster will be sent to you by Ofcom for your consideration.

Please note that if Ofcom upholds a Fairness and Privacy complaint its powers are limited. It cannot, for example, order any financial compensation or an apology from a broadcaster.

If a Fairness and Privacy complaint is investigated, Ofcom will publish its adjudication in its Broadcast and On Demand Bulletin. In exceptional cases, Ofcom may direct the broadcaster to broadcast a summary of our findings. In very exceptional and serious cases, Ofcom may consider imposing a statutory sanction, e.g. a fine on the broadcaster.

¹ www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement

Section 1 Complainant details

1a Title (optional) (e.g. Mr, Mrs, Miss, Ms, Dr, other)

Title	<input type="text"/>	First name(s)	<input type="text"/>
Last name	<input type="text"/>		

1b Complainant's address

You must detail your permanent address or if this complaint is made on behalf of an organisation, the organisation's registered address.

Address	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
Town	<input type="text"/>
Postcode	<input type="text"/>
Tel	<input type="text"/>
Fax	<input type="text"/>
E-mail	<input type="text"/>

1c If you are making a complaint on behalf of another person (for example: because you are a solicitor) please also provide your contact details

Title (optional) (e.g. Mr, Mrs, Miss, Ms, Dr, other)

Title	<input type="text"/>	First name(s)	<input type="text"/>
Last name	<input type="text"/>		

Complainant's address

Address	<input type="text"/>
	<input type="text"/>
	<input type="text"/>
Town	<input type="text"/>
Postcode	<input type="text"/>
Tel	<input type="text"/>
Fax	<input type="text"/>
E-mail	<input type="text"/>

Section 2 Programme details

2a Programme title	<input type="text"/>				
Date of broadcast	<input type="text"/>	Start of programme	<input type="text"/>	End of programme	<input type="text"/>
Channel/station	<input type="text"/>				

3a “The person affected”

A fairness and/or privacy complaint can only be made by “the person affected” by the programme or by someone properly authorised to act on behalf of “the person affected”.

“The person affected” is a statutory term and means:

- a) In relation to a complaint of unjust or unfair treatment in a programme:
- a participant in the programme in question who was the subject of that treatment. (“Participant” means a person who appeared, or whose voice was heard, in the programme); or
 - a person who, whether such a participant or not, had a direct interest in the subject-matter of that treatment.
- b) In relation to a complaint of unwarranted infringement of privacy in a programme(s), or in connection with the obtaining of material included in a programme(s):
- a person whose privacy was infringed.

3b Making a complaint on your own behalf

Are you “the person affected”? *(Please tick appropriate box)*

- YES (Go to section 4 ‘The complaint’.)
- NO (Go to section 3c ‘Making a complaint on behalf of another person’.)

3c Making a complaint on behalf of another person

You can make a complaint on behalf of someone else (“the person affected”), provided that you are authorised to do so by them. In exceptional circumstances, a member of the family of “the person affected” or someone closely connected to that person may make a complaint without having obtained the authority of “the person affected”. This would be permitted if the person affected is unable to give that authority, for example, because he/she is under the age of 16.

Are you making a complaint on behalf of “the person affected”? *(Please tick appropriate box)*

- YES (Go to section 3d ‘Appropriate authority’.)
- NO (You do not appear to be making a complaint on your own behalf or on behalf of another person. Ofcom may not be able to consider your complaint as one of fairness and/or privacy. Please refer to Ofcom’s website for further information about making a complaint about a breach of content standards for television and radio.)

3d Appropriate authority

If you wish to make a complaint on behalf of another person who satisfies the definition of “the person affected” you will need to provide Ofcom with appropriate written authorisation from that person. Ofcom takes this to mean an original copy of a letter that is signed by “the person affected” and includes a clear statement that the person making the complaint is authorised to do so by “the person affected”.

Do you have appropriate written authorisation from “the person affected”? *(Please tick appropriate box)*

- YES (You will need to print out the completed form and attach the appropriate written authorisation and send it to Ofcom by post. Go to section 4 ‘The complaint’.)
- NO (Ofcom may not be able to consider your complaint as one of fairness and/or privacy. Please refer to Ofcom’s website for further information about making a complaint about a breach of content standards for television and radio.)

4b Was your privacy unwarrantably infringed in connection with the obtaining of material included in the programme?

YES (Please set out your complaint as fully as possible in the box below.)

NO

(Please continue on a separate sheet if necessary.)

4c Was your privacy unwarrantably infringed in the programme as broadcast? *(Please tick appropriate box)*

YES (Please set out your complaint as fully as possible in the box below.)

NO

(Please continue on a separate sheet if necessary.)

Declaration

- I understand that Ofcom complies with data protection legislation and that the information on this form will be used by Ofcom for the purposes of carrying out its functions in relation to the consideration and, where appropriate, adjudication of fairness and privacy complaints.
- I understand that on receipt of this complaint, Ofcom will provide a copy of this complaint form and any accompanying information to the relevant broadcaster.
- I understand that the consideration of this complaint falls under Ofcom's jurisdiction and undertake to abide by all Ofcom's published rules and procedures.
- I understand that I need to remain actively involved with my complaint throughout the process once I have made it. If Ofcom asks me for a response about, or information connected to, a matter relating to my complaint I must reply by the deadline (or contact Ofcom as soon as possible to let it know why I cannot keep to the deadline). If I do not respond to Ofcom, it may close my complaint because it might consider I no longer wish to pursue it.

Signature of complainant

Date of complaint

<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Day			Month			Year			

If submitting this form online, please tick the box if you understand and agree to the terms of the declaration above.

Where to send this form

When you have completed this form please post it, or e-mail it, together with any supporting material, to:

Ofcom
Fairness and Privacy Complaints
Content Standards, Licensing and Enforcement
Riverside House
2a Southwark Bridge Road
London
SE1 9HA

Email: Ofcomfairnessandprivacy@ofcom.org.uk