

Procedures for the
consideration and adjudication of
Fairness and Privacy complaints
on BBC broadcasting services and
BBC on demand programme
services

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Introduction

- 1.1 This document outlines the Procedures for Ofcom’s consideration and adjudication of Fairness and Privacy complaints in relation to the BBC’s compliance with Ofcom’s “fairness code” set under section 107 of the Broadcasting Act 1996 (“the 1996 Act”) and the BBC Charter and Agreement¹. These Procedures are effective from 3 April 2017²³.
- 1.2 These Procedures apply to BBC UK Public Broadcasting Services (“BBC broadcasting services”) and BBC UK Public on-demand programme services (“BBC ODPS”) ⁴. Fairness and Privacy procedures applying to broadcast services provided by BBC commercial broadcasting companies licensed by Ofcom are available at <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/procedures>.
- 1.3 Ofcom has no remit to consider complaints concerning the World Service and these procedures do not apply to material broadcast on the BBC World Service.
- 1.4 If Ofcom considers that it is necessary to depart from these Procedures in any material respect in a particular case for reasons of fairness and/or in order for Ofcom properly to consider a complaint or carry out an investigation, it will write to the parties concerned in advance setting out the nature/extent of its departure, and its reasons for doing so. (Separate procedures apply for investigating breaches of other content standards for BBC broadcast services and BBC ODPS, at <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/procedures>).

Statutory framework

- 1.5 Ofcom has a duty under section 3(2)(f) of the Communications Act 2003 (“the 2003 Act”) to (among other things) secure the application, in the case of all television and radio services, of standards that provide adequate protection to members of the public (and all other persons) from both unfair treatment in programmes included in such services and unwarranted infringements of privacy resulting from activities carried on for the purposes of such services. In securing the application of those standards, Ofcom must have regard to the need to do so in the manner that best guarantees an appropriate level of freedom of expression: section 3(4)(g) of the 2003 Act.

¹ <https://www.gov.uk/government/publications/bbc-charter-and-framework-agreement>

² Other methods of redress may be available to complainants through the civil courts. Complaints may wish to obtain legal advice.

³ These Procedures were amended on 25 September 2023 at paragraph 1.14. These were minor changes related to the type of personal data we require when consumers submit a complaint to us.

⁴ Such as the BBC iPlayer and iPlayer Kids (both audiovisual and sound programmes).

- 1.6 Ofcom has a specific duty under section 107 of the 1996 Act to draw up a code giving guidance as to the principles to be observed and the practices to be followed by broadcasters in connection with the avoidance of unjust or unfair treatment⁵ in programmes and unwarranted infringement of privacy in programmes (or in connection with the obtaining of material included in them). For the purposes of that duty, Ofcom applies the provisions in Sections Seven (“Fairness”) and Eight (“Privacy”) of the Ofcom Broadcasting Code (“the Broadcasting Code”)⁶.
- 1.7 Under section 110 of the 1996 Act (and subject to the other provisions of Part 5 of the 1996 Act), Ofcom also has a specific duty to consider and adjudicate on complaints which relate to unjust or unfair treatment in programmes or to unwarranted infringements of privacy in programmes (or in connection with the obtaining of material included in them). (These are collectively referred to below as “Fairness and/or Privacy complaints”). Sections 111 to 130 of the 1996 Act provide for certain statutory criteria which must be satisfied before Ofcom is entitled to proceed to consider Fairness and/or Privacy complaints, in addition to certain procedures to be followed by Ofcom, complainants and broadcasters.
- 1.8 However, in exceptional circumstances, where Ofcom considers it necessary in order to fulfil its duty under section 3(2)(f) of the 2003 Act to secure the application of standards that provide adequate protection to members of the public (and all other persons) from unfair treatment in programmes and unwarranted infringements of privacy, Ofcom may consider fairness or privacy issues in the absence of a complaint from “the person affected” (see paragraph 1.10 and the Entertainment Decision text box below). In those exceptional circumstances, Ofcom would set out in advance the procedures that it intends to follow⁷. The procedures would be similar to these, but adapted as appropriate to ensure that they are fair in the particular circumstances.
- 1.9 Ofcom regulates the BBC by virtue of section 198 of the 2003 Act to the extent that provision to do so is contained in the BBC Charter and Agreement⁸ the 2003 Act and Part 5 of the 1996 Act. The BBC is required by the 1996 Act to observe Sections Seven (“Fairness”) and Eight (“Privacy”) of the Broadcasting Code in the provision of its broadcast services and in relation to programmes included in those services. Under the BBC Charter and Agreement, the BBC must also observe Sections Seven and Eight in the provision of BBC ODPS, so far as Ofcom determines the standards are relevant to the provision of BBC ODPS, and Ofcom must treat complaints which relate to any programme included in BBC ODPS in the same manner as programmes broadcast by the BBC.

Procedures

Making a complaint: who may make a complaint

- 1.10 Fairness and/or Privacy complaints may be made by an individual or by a body of persons (whether incorporated or not). However, Ofcom is normally under a duty not to entertain such a complaint unless it is made by “the person affected” or by a

⁵ Unjust or unfair treatment is defined by section 130 of the 1996 Act as including treatment which is unjust or unfair because of the way in which material included in a programme has been selected or arranged.

⁶ <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-codes/broadcast-code>

⁷ As Ofcom does, for example, in relation to complaints made to the Election Committee.

⁸ <https://www.gov.uk/government/publications/bbc-charter-and-framework-agreement>

person authorised by him/her to make the complaint on their behalf: for further details on who can make a complaint, see the Entertainment Decisions text box below.

- 1.11 The 'BBC First' approach, which requires complainants to raise their concerns initially with the BBC, does not apply to those raising issues of Fairness and/or Privacy, which may be made directly to Ofcom. Nevertheless, Ofcom encourages complainants with Fairness and/or Privacy concerns to follow the BBC's own complaints procedures⁹ in the first instance, by one of the following methods:

Online, at: <https://ssl.bbc.co.uk/complaints/forms/?lang=en&reset=&uid=275022859>

Phone, on: 037 0010 0222 or 037 0010 0212 (textphone)

Post, to: BBC Complaints, PO Box 1922, Darlington DL3 0UR

- 1.12 If a complainant is then not satisfied with the BBC's final response, the complaint can be submitted to Ofcom. See paragraphs 1.16 to 1.20, below, for the time limits on making a complaint.

Form of complaint & information to be provided

- 1.13 Fairness and/or Privacy complaints must be submitted to Ofcom in writing. Ofcom will normally only consider such complaints if they are submitted through the completion of Ofcom's Fairness and Privacy Complaint form, which can be found at:

<https://www.ofcom.org.uk/tv-radio-and-on-demand/how-to-report-a-complaint>.

Alternatively, complainants may contact us at: Ofcom, Riverside House, 2a Southwark Bridge Road, London SE1 9HA; tel. 030 0123 3333 or 020 7981 3040. If you have a text phone you can call 020 7981 3043 (please note that this number only works with special equipment used by people who are deaf or hard of hearing). A Video Relay Service to contact Ofcom in British Sign Language is available on Ofcom's website.

- 1.14 All complaints should include:

- the name/title of the programme¹⁰ complained about;
- the date and time of the (broadcast) programme or the date the BBC ODPS was accessed;
- the channel on which the programme was broadcast or location on the BBC ODPS;
- the standing of the complainant (i.e. whether the complainant is "the person affected" or authorised by "the person affected" to make the complaint for them: see the "Entertainment Decision" text box below);
- the nature of the complaint and (where possible) the particular parts of the programme complained about;

⁹ See: <http://www.bbc.co.uk/complaints/handle-complaint/>

¹⁰ References to "programmes" in these Procedures include teletext, subtitles and anything included in BBC UK broadcast services or BBC ODPS.

- the complainant's full contact details (including full postal address details)¹¹;
- whether (and, if so, when) the complainant has submitted a complaint to the BBC (and full details of it, including the BBC's response); and
- any supporting material/evidence that the complainant considers relevant to the substance of the complaint and/or their standing to make it.

1.15 It is very important that the complainant provides as many of these details as possible when making a complaint. Failure to provide these details may prevent Ofcom from identifying the programme/material within a reasonable time and otherwise delay or prevent Ofcom being able to consider the complaint.

Time limits on making a complaint

1.16 Ofcom may refuse to entertain a Fairness and/or Privacy complaint if it appears not to have been made within a reasonable time after the last occasion when the relevant programme was broadcast (or made available on BBC ODPS): section 111(5) of the 1996 Act. Accordingly, complainants should submit their complaint to Ofcom within 20 working days after broadcast of the relevant programme or after the date on which it was accessed on the BBC ODPS. Ordinarily, Ofcom will not accept a complaint which is submitted after this deadline.

1.17 Where a complaint is submitted later than 20 working days after broadcast or after the programme was accessed on the BBC ODPS, complainants should explain why the complaint was not submitted earlier. Ofcom will then weigh up all relevant factors (including the complainant's explanation for the delay in submitting the complaint) and decide whether or not it is appropriate for it to consider the complaint despite the delay in its submission.

1.18 Where a complainant has previously complained directly to the BBC, the complainant should wait to see if he/she is satisfied with the BBC's final response (in accordance with its own complaints procedures) before referring it to Ofcom¹². If the complainant is not satisfied, the complainant should refer his/her complaint to Ofcom (with the BBC's final response) as soon as possible, and in any event within 20 working days of the final response by the BBC under its procedures. If the complainant has not received a final response from the BBC concerning his/her complaint, the complainant should submit the complaint to Ofcom within 20 working days of the deadline for the BBC's final response under its procedures.

1.19 Where a complainant submits a complaint simultaneously to the BBC and to Ofcom, Ofcom will not normally proceed to consider the complaint until the BBC has first had an opportunity to resolve the complaint itself under its procedures. In such a case, the complainant should inform Ofcom when he/she has received the BBC's final response, and confirm whether he/she wishes proceed with his/her complaint. (Time

¹¹ Please see Ofcom's General Privacy Statement (available on our website at: <https://www.ofcom.org.uk/about-ofcom/foi-dp/general-privacy-statement>) for information about how Ofcom handles your personal information and your corresponding rights.

¹² The BBC is required to ensure that Ofcom's functions in relation to Fairness and/or Privacy complaints are brought to the attention of the public. (These include functions that enable complainants to ask Ofcom to consider complaints where they are dissatisfied with the BBC's consideration of the complaint. Amongst other things, the BBC should make clear to complainants the time limits that apply for pursuing complaints with Ofcom).

will start to run from the date of the BBC's final response as set out in paragraph 1.18, above).

- 1.20 In cases where a complaint is made under the BBC's own complaints procedures, the BBC must retain the relevant recordings, and any related material, for at least 90 days in the case of television, and at least 42 days in the case of radio and BBC ODPS, running from the date on which the BBC may reasonably expect the complainant to have received its final response¹³.

Assessing whether to entertain a complaint

- 1.21 On receiving a complaint Ofcom will forward a copy of the complaint to the BBC and ask it to provide a recording of the programme within five working days¹⁴. At this stage, we will not normally request the BBC to provide written representations on the substance of the complaint.
- 1.22 If Ofcom considers that it requires further information from the complainant at this stage (for example, about their standing to make a complaint on their own or some other person's behalf, or about the substance of their complaint), it will write to the complainant requesting such information and will also provide it to the BBC.
- 1.23 Ofcom will then decide whether or not to entertain the complaint. This decision about the complaint is called the Entertainment Decision.
- 1.24 Ofcom aims to assess and decide whether to entertain a complaint within 25 working days of receipt of the complaint and any further information requested from the complainant (as set out in paragraph 1.14).

Entertainment Decisions

As explained above, Fairness and/or Privacy complaints are complaints about unjust or unfair treatment in programmes, or about unwarranted infringements of privacy in programmes (or in connection with the obtaining of material included in them).

These complaints may be made by an individual or by a body of persons (whether incorporated or not). However, Ofcom shall not entertain such a complaint unless it is made by "the person affected" or by a person authorised by "the person affected" to make the complaint for him/her: section 111(1) of the 1996 Act¹⁵.

¹³ Section 117 of the 1996 Act requires the BBC to retain a recording of every television programme for 90 days from broadcast and every radio programme for 42 days from broadcast for the purposes of section 115 of that Act. Under the BBC Agreement, the BBC must retain recordings of programmes for a period determined by Ofcom. Ofcom has determined that the BBC must retain recordings of radio programmes for at least 42 days after broadcast; recordings of television programmes for at least 90 days after broadcast; and copies of programmes made available on BBC ODPS for at least 42 days after they cease to be available for viewing. If a complaint is made, the BBC must retain the relevant recordings or copies, and any related material, for those periods of days, running from the date on which the BBC may reasonably expect the complainant to have received its final response to the complaint.

¹⁴ Under the BBC Agreement, the BBC must comply with any request to produce recordings of programmes to Ofcom.

¹⁵ This is subject to exceptions. Where "the person affected" is an individual who has died, a Fairness and/or Privacy complaint may be made by his personal representative or by a member of the family of the person affected, or by some other person or body closely connected with him (whether as his employer, or as a body of which he was at his death a member, or in any other way). Equally, where

“The Person Affected” is a statutory term defined by section 130 of 1996 Act.

In relation to a Fairness complaint, i.e. a complaint of unjust or unfair treatment in a programme, “the person affected” means:

- 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.

In relation to a Privacy complaint, i.e. a complaint of unwarranted infringement of privacy in a programme(s), or in connection with the obtaining of material included in a programme(s), “the person affected” means a person whose privacy was infringed.

The 1996 Act then sets out a number of other statutory criteria that must be satisfied before Ofcom may entertain or proceed to consider a Fairness and/or Privacy complaint. In particular, Ofcom is under a duty not to entertain a complaint where it appears to Ofcom that:

- the matter complained of is the subject of proceedings in a court of law in the UK; or
- the matter complained of is a matter in respect of which the complainant or the person affected has a remedy by way of proceedings in a court of law in the UK, and that in the particular circumstances it is not appropriate for Ofcom to consider a complaint about it; or
- the complaint is frivolous; or
- for any other reason it is inappropriate for Ofcom to entertain or proceed with consideration of the complaint.

(If any of the above matters become apparent to Ofcom in the course of considering a complaint, it may cease to proceed with consideration of the complaint).

- 1.25 The complainant and the BBC will be provided with a copy of Ofcom’s Entertainment Decision indicating whether (and to what extent) Ofcom will be proceeding with consideration of the complaint¹⁶.
- 1.26 Not all complaints (or all parts of complaints) received will fall into Ofcom’s Fairness and Privacy remit. If Ofcom considers that the complaint raises other (i.e. non-

“the person affected” is an individual who is for any reason both unable to make a complaint him/herself and unable to authorise another person to do so for him/her, a fairness complaint may be made by a member of the family of “the person affected”, or by some other person or body closely connected with him (whether as his employer, or as a body of which he is a member, or in any other way): see section 111(2)&(3). (This will be appropriate if “the person affected” is unable to give his/her authority, because, for example, he/she is under the age of 16).

¹⁶ Details of all programmes being investigated (i.e. if a Fairness and/or Privacy complaint has been entertained) will be published on Ofcom’s website at:
<http://stakeholders.ofcom.org.uk/enforcement/audience-complaints/>

Fairness and Privacy) matters that are within Ofcom's wider remit, the complainant may be asked to refer those matters, in the first instance, to the BBC¹⁷.

Representations

- 1.27 If a complaint is entertained by Ofcom, then at the same time that it provides the Entertainment Decision to the BBC (under paragraph 1.25, above), Ofcom will also ask the BBC to provide a statement in response to the complaint within 20 working days. In doing so, Ofcom will set out the provisions of the Broadcasting Code which it considers are relevant and applicable to its subsequent consideration of the complaint, and seek representations from the BBC on that basis. Ofcom may also request a transcript of the relevant programme to be provided by the BBC, together with any other relevant material or documentation¹⁸.
- 1.28 On receipt of the BBC's statement/representations, Ofcom will provide a copy of it to the complainant.

Preparation of Ofcom's Preliminary View

- 1.29 Ofcom will then prepare its "Preliminary View" on the substance of the complaint, having taken account of the BBC's statement/representations where provided. This preliminary view is only provisional and may be subject to change in the light of subsequent representations/material provided by the complainant and the BBC¹⁹: see paragraphs 1.31 and 1.32, below.
- 1.30 All draft Preliminary Views will be provided to a panel of Ofcom's Content Board members²⁰ for their advisory opinion. The decision on Ofcom's Preliminary View will be taken by a senior member of Ofcom's Executive with appropriate Board delegated authority. Typically, this would be the person who is responsible for overseeing the investigation. The Preliminary View will contain:
- a summary of the entertained complaint (or the particular parts of the complaint which have been entertained) as set out in the relevant Entertainment Decision;
 - a summary of the material parts of the programme(s) to which the complaint relates;
 - the particular provisions of the Broadcasting Code which Ofcom considers are relevant and applicable to the entertained complaint;
 - a summary of the BBC's statement of representations in response; and
 - Ofcom's preliminary assessment of whether any breaches of those provisions have occurred and the reasons for that assessment.

¹⁷ In accordance with the 'BBC First' approach, complaints other than Fairness and/or Privacy complaints should normally in the first instance be resolved by the BBC.

¹⁸ Under Article 47 of the BBC Charter, Ofcom may require the BBC and any other person to provide information for the purposes of the carrying out by Ofcom of their functions. We are considering whether we require further guidelines on our information gathering powers generally and this will include a consideration of whether we require such guidelines for third parties.

¹⁹ including any relevant third party (see "Representations from third parties" text box below).

²⁰ The Content Board is a committee of the main Ofcom Board established by the Communications Act 2003. It includes members with extensive broadcasting experience. See <https://www.ofcom.org.uk/about-ofcom/how-ofcom-is-run/content-board>

- 1.31 Ofcom will then provide the Preliminary View to the complainant and request representations within 10 working days. After receiving any representations from the complainant Ofcom will provide both the Preliminary View and those representations to the BBC, requesting its representations within 10 working days. In some circumstances, Ofcom may decide that it is appropriate, fair and necessary to hold a hearing before reaching a decision²¹ (see “Hearings” box below). Where it does so, Ofcom will prepare its Preliminary View after it has held the hearing.
- 1.32 Once Ofcom has received and considered the BBC’s and complainant’s representations (or any representations from relevant third parties (see relevant text below) on its Preliminary View, it will then make its final Adjudication. If Ofcom considers that it is necessary to obtain further information from either party²² to ensure that it can fairly and properly adjudicate on the complaint (for example, if there is a significant dispute of fact between the complainant and the BBC), Ofcom may seek such further information.
- 1.33 Ofcom aims to complete the consideration and adjudication of Fairness and Privacy complaints within 90 working days of the complaint being entertained.

Hearings

Fairness and/or Privacy complaints made to Ofcom shall be considered either at a hearing, or if Ofcom thinks fit, without a hearing. Ofcom will normally hold an oral hearing if it considers that one is necessary to ensure that it can fairly and properly adjudicate on the complaint. For example, if there is a significant dispute of fact between the complainant and the BBC, or the complainant and/or the BBC requests a hearing. Ofcom will normally give at least 15 working days’ notice of the hearing date to the parties. Hearings may take place in England, Northern Ireland, Scotland, or Wales, as appropriate.

Hearings are held in private and each of the following shall be given an opportunity to attend and to make oral representations:

- (a) the complainant;
- (b) the BBC;
- (c) the programme-maker responsible for the making of the programme complained about (if not the BBC); and
- (d) any other person who Ofcom considers might be able to assist at the hearing.

Each of the parties may bring to the hearing any other person (normally up to a maximum of three other people). Their names, connection to the case and a description of the role they intend to play at the hearing, should be given to Ofcom at least five working days before the hearing. Ofcom must also be informed if any person to attend a hearing is under the age of 16.

²¹ The final decision maker would chair any oral hearing

²² or a relevant third party. Under Article 47 of the BBC Charter, Ofcom may require the BBC and any other person to provide information for the purposes of the carrying out by Ofcom of their functions (see footnote 16).

The procedure at the hearing will be at the discretion of Ofcom. Ofcom will write to the parties in advance of any hearing to set out what the procedure will be.²³

Late submission of material/representations

- 1.34 Parties should only submit representations and relevant material/evidence to Ofcom when requested to do so at the appropriate stages of these Procedures. Ofcom will not normally accept submission of any additional representations or material once it has proceeded to draft its final Adjudication (see paragraph 1.35, below).
- 1.35 Whether such material is admitted will be at Ofcom's discretion. If unsolicited material is admitted it will be provided to the other party who will then be given an opportunity to comment on it.

Representations from third parties

Ofcom recognises that there may be persons/bodies who may be directly affected by the outcome of Ofcom's consideration and adjudication of a complaint and who may have interests independent of the BBC (for example, presenters, producers and/or independent programme-makers). Wherever possible, the BBC should seek to take account of and include the representations of such persons/bodies in their submissions in response to a complaint and confirm to Ofcom that they have done so.

However, such persons/bodies may make representations on their own behalf direct to Ofcom in respect of a complaint which Ofcom proceeds to investigate. In such a case, persons should seek to make representations to Ofcom as early in an investigation of a complaint as possible, setting out if/to what extent their representations differ from those of the BBC. Ofcom will, as appropriate, take those representations into account and include those persons/bodies in its decision-making process under these Procedures.

Details of all programmes being investigated (i.e. if a Fairness and/or Privacy complaint has been entertained) are published on Ofcom's website at: <http://stakeholders.ofcom.org.uk/enforcement/audience-complaints/>

Publication of Adjudication

- 1.36 Once Ofcom has gathered and considered the relevant evidence and (written/oral) representations submitted by the parties, Ofcom will conclude its consideration of a complaint by preparing a final Adjudication setting out whether the complaint is upheld, not upheld, or upheld in part. All draft Adjudications will be provided to a panel of Ofcom's Content Board members (who have not been involved in the preparation of the Preliminary View) for their advisory opinion before a final Adjudication is taken. The decision on the final Adjudication will be taken by a senior member of Ofcom's executive with appropriate Board-delegated authority who will have overseen the preparation of the draft Adjudication and who will not have been

²³ Together with details of who from Ofcom, including any Non-Executive members of Ofcom's Content Board, will attend.

involved in the investigation and/or preparation of the Entertainment Decision and/or the Preliminary View.

- 1.37 Before publishing its final Adjudication, Ofcom will provide the BBC and complainant, for information only with an embargoed draft copy of the final Adjudication one working day before publication.
- 1.38 Adjudications will be published in Ofcom's Broadcast and On Demand Bulletin on its website at <http://stakeholders.ofcom.org.uk/enforcement/broadcast-bulletins/>
- 1.39 If a complaint is upheld or partly upheld, Ofcom may direct the BBC to broadcast a summary of its Adjudication. Ofcom will normally make such a direction where there has been a breach of the Fairness and/or Privacy sections of the Ofcom Broadcasting Code which has resulted in a complainant's legitimate interests being seriously damaged and requires publication over and above publication in the Ofcom Broadcast and On Demand Bulletin²⁴. Any decision to direct will reflect Ofcom's duties to be proportionate, consistent and targeted only at cases on which, in Ofcom's view, action is merited.

Non Disclosure

- 1.40 It is an essential part of the integrity of Ofcom's processes and its ability to adjudicate fairly that all parties concerned abide by Ofcom's published rules and procedures, including those relating to non disclosure below.

Non Disclosure

Parties to a complaint (complainants, the BBC, Ofcom and any relevant third party) may, unless otherwise indicated, make public the fact that a complaint has been made or that Ofcom is investigating a case. They may also use information which is already in the public domain.

However, parties should not disclose any correspondence, documents or other material concerning the complaint during the course of the investigation²⁵. Prior to Ofcom's final decision, the identity of a complainant may only be disclosed by the BBC or a third party to those with a direct interest in the matter complained of.

Failure to follow this requirement may result in Ofcom ceasing to consider the party's representations. This does not limit what Ofcom can publish in its decision at the end of the investigation²⁶.

²⁴ But Ofcom may also make such a direction in other cases in which it considers publication over and above publication in the Ofcom Broadcast and On Demand Bulletin is appropriate.

²⁵ Ofcom is obliged to meet various statutory obligations relating to the disclosure of information (for example, under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004). Information provided to Ofcom as part of a complaint may need to be disclosed by Ofcom in order to meet such obligations.

²⁶ Ofcom may (in investigating and publishing its Adjudication) withhold material it believes to be confidential, market sensitive or legally privileged or that it is under some other legal obligation to protect from disclosure. In such cases, the BBC will be notified that relevant material has been withheld and the reasons why.

Time limits

- 1.41 Complainants and the BBC should keep to the time limits specified in these Procedures. However, Ofcom may consider it appropriate (in the interests of fairness and/or properly to consider a complaint) to amend or adapt the time limits set out in these Procedures in a particular case. If any complainant or the BBC seeks an extension of a time limit, they should explain in writing to Ofcom why they believe it is appropriate. Ofcom will then decide if an extension is appropriate and inform the other party/parties accordingly.

Sanctions

- 1.42 In the light of its adjudication of a Fairness and/or Privacy complaint, Ofcom may consider that it justifies consideration of a sanction against the BBC. If so, then Ofcom will make that clear in its Adjudication and the "Procedures for the consideration of sanctions for breaches of content standards in the context of BBC services" will then apply (see Annex 3 of this document).